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Supreme Court
Territory of Arizona } January Term 18
Prescott, Monday, Jan. 10th 18

Court met at 10 o'clock A.M.

Present:

His Honor Webster Street, Chief Justice
George R. Davis, Associate Justice
Fletcher M. Doan, " "
Richard E. Sloan " "

Lloyd Johnson, Clerk.
U.S. Marshal
E. E. Ellinwood. " Attorney
Crier
Thos. J. Prescott, Bailiff.

The following business was transacted: On motion it was ordered that Albert R. Grozier, who holds a certificate from the Supreme Court of Michigan, be admitted to practice in this Court, upon signing the roll of attorneys and taking the usual oath.

On motion of Mr. A. G. Baker, it was ordered that Mr. J. L. D. Alexander, who holds a certificate from the District Court of the Third Judicial District of the Territory of Arizona, in and for Maricopa County, be admitted to practice in this Court, upon signing the roll of attorneys and taking the usual oath.

On motion of Mr. Thos. J. Prescott, it was ordered that Mr. John M. Hamilton, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this Court, upon signing the roll of attorneys and taking the usual oath.

On motion of C.M. Frazier Esqr, the court appointed the following committee to draft resolutions respecting the death of Judge A.C. Truesdale deceased, late Chief Justice of Arizona,
C.M. Frazier, Col. Wm Herring, J.H. Johnston, A.C. Baker, Thomas Norris, Wiley E. Jones, E.J. Edwards and C.N. Wright.

No. 555. The Old Dominion Commercial Company.
Appellant.
vs
The United Globe Mines (a corporation)
Appellee.

It is ordered that E. J. Edwards Attorney for appellant, be allowed to file motion to dismiss.

No. 568. P. L. Kastner and
Ellen Stone Appellants.
vs
John G. Campbell
Appellee.

It is ordered that this cause be set for hearing, on oral argument January 20th 1898.

No. 570 M. E. Conway, Al Desplain
and E. O. Conway. Appellants
vs.
The County of Gila, Appellee.

It is ordered that this cause be submitted on briefs

Jany 10th 98. John J. Dennis, H. Goldberg
No. 573 & Phillip Drachman
Appellants.
vs
The United States of America
Appellee.
It is ordered that this
cause be set for hearing

No 574 John McGowan, Appellant.
vs.
Nellie A. Sullivan
Appellee. It is ordered that this
cause, appellant be allowed to file motion to dismiss
appeller given time till Wednesday January
January 12th 1898, to reply.

No 575 James Reilly
Plaintiff in Error
- vs -
The County of Cochise,
Defendant in Error.
It is ordered, that this
cause be passed for hearing & submission.

No 576. Elias K. Sidwell
Appellant
vs
The Chiricahua Cattle Company
a corporation, &c.
It is ordered that this
cause be set for hearing on oral argument, January 17th 98

4

Jany 10th 98. United States of America
No. 577. Appellant -

vs

Simon Marks, Sam Sowell
and Fred. E. Goodfellow. Appellees.

It is ordered that this cause be set for hearing on oral argument January 11th 1898.

No 578. Wm M Billipps. P. E Dogge A. J. Dogge
& The London Company (a corporation).
Plaintiffs in Error.

vs.

D. N. Freeman J. H. Hoskins Jr. F. M. Kimball
Co partners under the firm name and Style of The
Arizona Central Bank. Defendant in Error.

It is ordered that defendant in error in this cause
have leave to file answer until January 13th 1898, and
oral argument set for January 18th 1898.

No 574 F. E. Jordan, et al
Appellants.

vs

Josiah Dunke et al
Appellees.

It is ordered that this cause be set for hearing on
oral argument January 20th 1898.

No. W. L. Robertson
Plaintiff in Error

vs

C. H. Smith, as receiver of the
A. and P. R. R. Co. Defendant in Error

It is ordered that this cause be set for hearing on
oral argument February 1st 1898.

Jersey No. 281

Chas. B. Rubin,

Respondent.

vs.

Julia Clarke,

Appellee.

On Motion of the Attorney for Appellee, It is ordered that the Appellee herein

Supreme Court } January Term A.D. 1878.
Sitting at Raleigh. } Raleigh, Tuesday January 15th, 1878.

Court met at 10 o'clock, A.M.

Present:

His Honor Nathan Scott, Chief Justice.
George A. Davis, Associate "
Richmond M. Pearson, " "
Richard C. Dick, " "
Lloyd Johnston Clerk.
W. M. Griffith, U.S. Marshal.
E. E. Ellinwood, U.S. Attorney.
Thos. J. Prescott Crier.
Jeff. Peebles Bailiff.

The following lawyers were present:

[illegible]

[illegible]

Fin. 1865

Jacob Wolff,
Plaintiff.
vs.
25.
Peabody & Heigens,
Defendants.

Writ issued April 25th 1865.
Declaration filed same day.

Fin. 1866

James O'Connell,
Appellant,
vs.
Peabody & Heigens,
Appellees.

Writ issued April 25th 1865.
Declaration filed same day.

Fin. 1867

[illegible]

[illegible]

[illegible]

Fin. 1868

[illegible]

0

Decided at Ottawa Civil Sittings.

No. 568 C.P.S. Montgomery Plaintiffs.
Appellants.
vs.
John D. Campbell,
Appellee.

Appeal dismissed with
Costs to be set for hearing on January 25th 1898.

No. 569. H.E. Perry, Att Depain, et al.
+ Appellants,
vs.
Wm Connolly & Co.
+ Appellee.

Appeal dismissed with
Costs to be ascertained on Taxation, + Appellee's consent.

No. 570 John C. Wilson, et al
+ Appellants
vs.
Municipal Electric Association,
+ Appellee.

Appeal dismissed with
Costs.

Application for Leave to Appeal refused.

January 1898. It is ordered that the case of [illegible] be [illegible] January 12th 1898, Wednesday.

No. 575 James Reilly,
Plaintiff in Error.
vs.
The County of Pierce,
Defendant in Error.

It is ordered that the consideration of this cause be passed for the present.

No 576 Elmer N. Tidwell,
Appellant.
vs.
The Pierce Street Railway Company,
Appellee.

It is ordered that the motion of the appellee to dismiss the appeal herein be overruled.

[illegible]

No. 578 — Williamson Co. (Circuit) vs. B. M. Freeman et als. — Defendant in Error.

Writ of error to Josiah Campbell, Sheriff and ex-officio Constable of Williamson County, heretofore issued and returned to January Term, 1898, and that writ of error dismissed at January Term, 1898.

No. 579 — F. E. Jordan et al., Appellants vs. John Dove et al., Appellees.

Writ of error to Williamson County (Circuit) and returned to January Term, 1898, and that writ of error dismissed at January Term, 1898.

No. 580. — Geo. A. Peters vs. Abe Lovitt et al.

Writ of error to Williamson County (Circuit) and returned to January Term, 1898, and that writ of error dismissed at January Term, 1898.

January 1898
No. 581

Linda Britton,
Appellant.
vs.
Julia Blane,
Appellee.

On motion of H. C. McFarland, attorney for Appellee, It is ordered that the Appellee herein be granted until the 13th day of January 1898, to file brief herein, and that this cause be set for hearing January 14th 1898.

No. 582

Jane E. Tetherow,
Appellant.
vs.
Wm. H. Hemmell, Administrator of the estate of Fanen D. Johnson, dec'd,
Appelle

Set for hearing January 14th 1898.

No. 583

Wm. Ord Discounts Accounts Co.,
Appellant.
vs.
[illegible]

January Term 1878 } In the Supreme Court.

No. 588 }

Appellees.

vs.

Joseph Rogers et al. &c.,

Appellees.

Motion entered this 7th day of January 1878 for leave to file Appellees' Joint Brief.

Jan. 8th } Mon. Wm. Chapin,

Plaintiff in Error,

vs.

Lewis J. Watrous, et al.

Defendants in Error.

Now comes the Plaintiff in Error, by his attorney, Hon. Wm. Chapin, and moves the Court for leave to file Plaintiff in Error's Brief in the above entitled cause.

Jan. 8th } A. Bradley,

Appellant.

vs.

Ed. Hammond, et al.,

Appellees.

Appellant, by leave of Court first had and obtained, now files his Brief herein.

C. E. Hagen, et al.,

Appellants.

vs.

Wm. B. Field, Receiver, et al.,

Appellees.

Ord'r is ordered that this cause stand for hearing on the 1st day of January 24th 1898

E. J. Webber,

Appellant,

vs.

C. P. L. Webber,

Appellee.

Cause coming on for hearing on the Appellee, Ord'r is ordered that he be granted until the 15th day of January 1898 to file brief herein, and that this cause be set for hearing on February 2nd 1898.

Luther Wilson,

Appellant.

vs.

James Rooney, et al.,

Appellees.

Ord'r is ordered that this cause be set for hearing on the 28th day of January, 1898.

[illegible] (Incorporated) Consolidated,

Appellant.

vs.

[illegible],

Appellees.

[illegible]

[illegible]

January 10th 98

No. 596

Temperance,
Appellant.
vs.
A. W. Tinsley
Appellee.

Motion to dismiss that the consideration of this cause be passed.

No. 597.

Geo. Beach,
Appellant.
vs.
F. C. Brady,
Appellee.

Motion to dismiss that the consideration of this cause be passed.

No. 598

M. L. Ivey,
Appellant.
vs.
Geo. Leonard,
Appellee.

Motion to dismiss that the consideration of this cause be passed January 17th 1898.

No. 599

M. L. Ivey, W. Edwards, et al.,
Appellants.
vs.
Lucy Adams,
Appellee.

Motion to dismiss that the consideration of this cause be passed January 17th 1898.

W. C. Jackson,

Appellant.

vs.

The Chanute National Bank,

et. al.

Appellee.

Oral motion of R. H. Chalcraft Esq., Attorney for Appellee, that it be allowed that it have until January 15th to file brief herein and that this cause be set for hearing on January 19th 1898.

No. 601

A. J. Jagger, et al.

Appellants,

vs.

Thompson Mercer, et al.

Appellee

Oral motion of Walter Bennett, Esq. for Appellee, that it be granted that he have until the motion to dismiss.

[illegible]

[illegible]

Appellant,

vs.

[illegible]

Appellee.

Oral motion of [illegible]

Jany 10th '98

No. 603.

E. M. Chilling, et als.,

Appellants.

vs.

The St Louis Refrigerator and Wooden Gutter Co., et al Respondents,

Appellees.

Opinion of Court.

Glennon, Esq. for Appellants, — Appellees asked leave to file additional Abstract. Filed and leave granted as prayed.

No. 604. Albert Steinfeld,

Appellant.

vs.

Richard Farrell,

Defendant

Henry Finnegan,

Appellee

Motion to dismiss appeal filed and leave granted to file additional Abstract. Jany 10th 1898.

No. 605. The Hannibal & St. Joseph Railroad Co., et al.,

Appellants,

vs.

The Missouri, Kansas & Texas Railway Co., et al.,

Respondents.

Motion to dismiss appeal filed and leave granted to file additional Abstract.

Supreme Court of Nevada.

Fin. 1898.

Thomas M. Haggard,

Appellant.

vs.

Elizabeth M. O'Connell,

Appellee.

Appeal dismissed. Opinion filed January 13th, 1898.

Fin. 1899.

Albert Klein Jr.

Appellant.

vs.

H. J. Rose.

Appellee.

Appeal dismissed. Opinion filed January 13th 1898.

Fin. 638.

S. E. Victor,

Appellant,

vs.

P. H. Tarleton, et al,

Appellees.

Appeal dismissed. Opinion filed January 28th 1898.

Fin. 1900 [illegible]

Appellant.

vs.

[illegible]

Appellee.

[illegible]

Cleary [illegible] 38
Dec. 1898

[illegible] U. [illegible]
[illegible]
Appellant.

vs.

Chas. Case, et al.,
Appellees.

It is ordered that the consideration of this cause be passed.

No. 543 J. H. Humphreys,
Appellant.

vs.

Essex Agency, Insurance &
Ex-Officio Collector of
Cameron County,
Appellee.

Submitted Mr. N. B. Burns, Attorney for Appellant, and by Mr. Burns, Attorney for Appellee, and by Mr. [illegible] Attorney for [illegible]

No. 545 [illegible]
Appellant,

vs.

[illegible]
Appellees.

[illegible]

[illegible]

[illegible]

Circuit Court of [illegible]

[illegible] Edward Buchanan, Defendant,
and C. P. C. Jaeger, Garnishee,
Appellants.

vs.

C. H. Peterson, et al.,
Appellees.

One question of Appellant's is
now ordered that C. H. Peterson & Co. recover of Appellants the amount of Appellees' claim.

[illegible] Edward Buchanan, Defendant,
and C. P. C. Jaeger, Garnishee,
Appellants.

vs.

C. H. Peterson, et al.,
Appellees.

One question of Appellant's is
now ordered that C. H. Peterson & Co. recover of Appellants the amount of Appellees' claim.

[illegible] Edward Buchanan,
Defendant.

vs.

[illegible] Peterson, Carl Mueller, et al.,
Garnishee.

[illegible] in the Circuit Court
[illegible] Appellants, for Appellees.

Vs.

Vs.

Bill filed Dec. 8th 1898.

Subpoena issued Dec. 8th 1898 returnable Jan. 3rd 1899.

Subpoena served Dec. 9th 1898 by Sheriff.

Subpoena served Dec. 9th 1898 by Deputy Sheriff.

Subpoena served Dec. 9th 1898 by Deputy Sheriff.

Subpoena served Dec. 9th 1898 by Deputy

(Supreme Court. Session of Appeals.

Tuesday, Term, A.D. 1898.

(Tuesday, January 11th 1898.

Court opened at 9½ o'clock, A.M.

(Present:

His Honor Chief Justice,

" " George A. Burrell, Associate "

" " Fletcher M. Brown, " "

" " Richard E. Brown. " "

Lloyd Johnston. Clerk.

H. M. Griffith. U.S. Marshal.

E. E. Ellinwood, U.S. Attorney.

Thos. J. Prescott, Priest

J. W. Bartlett, Bailiff.

The following proceedings were had:

No. 591. The St. Louis and Ada Mining Co.,

Appellant.

vs.

The Eva Mining Co.,

Appellee.

It is ordered that the consideration of this cause be passed for the present.

No. 592. George Baker,

Appellant.

vs.

Wm. Bailey,

Appellee.

It is ordered that the consideration of this cause be passed for the present.

Decided 11th '98
(
No. 597

Geo. Powell,

Appellant.

vs.

R. V. Brady,

Appellee.

On motion of Counsel for Appellee

It is ordered by the Court that the hearing of this cause be set for January 18th 1898.

No. 610

L. E. Jordan, et al.

Appellants.

vs.

George H. Schumann,

Appellee.

Motion submitted that Appellee

have leave to amend his Brief; Motion overruled.

No 611

Chas. Reese Receiver,

Appellant

vs.

The Virginia Coal Co.,

Appellee.

Motion submitted that Appellee

have leave to amend his Brief; Motion overruled.

No 612

Decided Jan 18th

Appellants

vs.

Appellee.

On motion of Counsel for Appellant

No. 613. Succession of H. J. McMichael,

Appellant.

vs.

F. B. Maldonado,

Appellee.

On motion of counsel for appellant, It is ordered that the consideration of this cause be passed, for the present.

No. 616 W. H. Thurmann,

Appellant.

vs.

Austin Investment Banking Co.

Appellee.

On motion of counsel for appellant, It is ordered that the hearing of this cause be set for January 19th 1898.

No. 617 J. C. Adams, et al.,

Appellants.

vs.

Jacob O'Connor, et al.,

Appellees.

On motion of counsel for appellants, It is ordered that the hearing of this cause be set for January 22nd 1898.

[illegible]

[illegible]

[illegible]

Jan'y 11th '98
No. 619.

J. S. Dagger and Geo. Dagger,
Appellants.
vs.
J. H. Hemmer Jr. et al.,
Appellees.

It is ordered that this cause be passed for further call.

No. 620.

J. S. Dagger,
Appellant.
vs
O. H. Hemmer Jr., et al,
Appellees.

It is ordered that this cause be passed for further call.

No. 123

Fred. Heuer,
Appellant.
vs.
Treasurer of Shipment,
Respondent.

Upon motion of Attorney General it is ordered that the decision of this cause be certified to the

Sept 8th 1898.

No. 124

Conrad Heuer,
Appellant.
vs.
Treasurer of Shipment,
Respondent.

Upon motion of the Attorney
General it is ordered that the decision of this cause be certified to the

Sir. [illegible] Geo. A. Kelly,

Appellant.

vs.

Territory of Arizona,

Respondent.

Due consideration of the Attorney General
is ordered that Mr. Riley E. James, District Attorney of Cochise
County, be added as Counsel for Respondent.

No. 126. James F. Parker,

Appellant.

vs.

Territory of Arizona,

Respondent.

Due consideration of the Attorney
General, it is ordered that Mr. H. N. Rose, District Attorney of
Yavapai County, be added as Counsel for Respondent.

No. 87. William Schnell,

Appellant.

vs.

Territory of Arizona,

Respondent.

Due consideration of the Attorney
General, it is ordered that Mr. H. N. Rose, District Attorney of
Yavapai County, be added as Counsel for Respondent.

No. [illegible] [illegible]

Appellant.

vs.

[illegible]

[illegible]

January 28th 1878 — 1st Day January 28th 1878.

On motion of Mr. H. H. Kilbourn, it was ordered that Edward J. Frobeen who holds a Certificate of admission to practice in the Supreme Court of the State of Ohio, be admitted to practice in this Court upon his signing the roll of Attorneys and taking the oath.

No. 577. United States of America,
Appellant.
vs.
Cleon Dunn, Jason Brooks, et al.,
Appellees.

This cause came on to be heard, and was argued by Mr. A. Attorney, U.S. Collector for Appellant and by Mr. H. Bennet for Appellees, and was submitted.

No. 578. United States of America,
Appellant.
vs.
Reuben Stevens,
Appellee.

This cause came on to be heard, and was argued by Mr. A. Attorney, U.S. Collector for Appellant and by Mr. H. Bennet for Appellee, and was submitted.

And now Court adjourned

Sheehan Street. Chief Justice.
Reginald E. Shaw Associate "
Joseph Williams " "
Fletcher M. Bowes " "

Archibald Grant. Supreme Court, 1898.
Archibald Grant, Chief Justice, Supreme Court, 1898

Edward Stewart, Attorney-General, 1898.

Edward Stewart. Sir Henry Strachey, Chief Justice.
" " Sir C. P. Lucas Associate
" " Sidney Webb. " "
" " Richard Wilson " "

Lloyd Kakewich, Clerk.
E. G. Gilmour, Asst. Attorney.
Miss M. Griffith " " Librarian.
Geo. J. Stewart. Crier.
J. A. Parkes, Bailiff.

The Supreme Court and Sheriff.

[illegible] vs. [illegible],

Appellants.

vs.

[illegible] Keller of [illegible],

Appellee.

By agreement of counsel, it is ordered that this cause be submitted on briefs.

[illegible] Shoemaker Company,

Appellant.

vs.

[illegible] of [illegible],

Respondent.

[illegible] by agreement of counsel, it is ordered that this cause be submitted on briefs. [illegible] ordered that [illegible] be submitted on briefs.

Now on this day this cause coming on to be heard before the Court, and the Court being fully advised in the premises, doth find that the Court has jurisdiction of the subject matter of this action and of the parties thereto, and that the Court has jurisdiction to render the judgment hereinafter set forth. It is therefore considered, ordered and adjudged by the Court that the judgment of the [illegible] Court of [illegible] County, Indiana, in this cause be and the same is hereby affirmed at the costs of appellant.

[illegible]

[illegible]

[illegible]

(Case No. 617.) U. S. Wilcox et Frank D. Wilcox,
Appellants.
vs.
James O'Connor, et al.
Appellees.

On motion of Walter Bennett of Counsel for Appellee, it is ordered that Appellee have 10 days after Appellant files brief, in which to file his brief.

No. 618 H. B. Scott,
Appellant.
vs.
Patrick T. Hurley, et al.,
Appellee

On motion of Mr. T. J. Bennett of Counsel for Appellant, it is ordered that Appellant have leave to file answer to Appellee's motion to dismiss, by January 15th 1898 and motion submitted.

No. 619 J. F. Yager et al. (Belle Yager),
Appellants.
vs.
A. H. Hannivel (or et al.),
Appellees.

By agreement of Counsel it is ordered that the hearing of this cause is set for February 3rd 1898.

January 13th 98

No 620.

J. L. Dagget,

Appellant.

vs.

J. H. Harrison Jr. et al.,

Appellees.

On agreement of Counsels

It is ordered that the hearing of this cause be set for February 3rd 1898.

No. 621

A. L. Johns, A. E. Dagget, et al.

Plaintiff in Error

vs.

Lucas Peters,

Defendant in Error.

On motion of

Wm A. J. Dagget, Counsel for Plaintiff in Error, it is ordered that Plaintiff in Error have three days [illegible] to file abstract of Record & Brief & that Defendant in Error have [illegible] days thereafter to file Brief & that cause be set for hearing [illegible] day of February A. D. 1898.

No 622.

L. C. Dagget, et al.

Plaintiff in Error.

vs.

[illegible]

Defendant in Error.

[illegible]

By consent of counsel, it is ordered that the hearing of this cause be set for Saturday 15th January 1898. Briefs of Plaintiff in Error to be filed by January 24th 1898, and Briefs of Defendant in Error by January 29th 1898.

No. 125. George Cluff, Appellant. vs. Territory of Arizona, Respondent.

By consent of counsel, it is ordered that the hearing of this cause be set for January 14th 1898. Brief of Respondent to be hereafter filed.

On motion of Mr John McIlwain, Counsel for Appellant, it is ordered that Mr E J. Edwards be added as Counsel for Appellant.

No. 600. A. L. Gabriel, Appellant. vs. The Phoenix National Bank, a Corporation, Appellee.

On motion of Mr. W J. Boggs Counsel for Appellant, it is ordered that Appellant have until January 15th 1898 in which to file Record & Appellee until 15 days after.

No. [illegible] [illegible], Appellant. vs. [illegible], Appellee. On motion of [illegible] for [illegible] it is ordered that [illegible] January 22nd, 1898.

January 12th 1898

No. 601

A. J. Tagge and T. C. Adams, Assignees of The Estate of Semple, Accepting Deed,

Appellants.

vs.

Thomas Hanes, et als.

Appellees.

Application of Mr A. J. Tagge, Counsel for Appellant, it is ordered that Appellant have until January 15th 1898, in which to file answer to Appellee's motion to dismiss appeal.

No. 589

Mrs. M. Gillespie,

Plaintiff in Error

vs

Celia J. Dobson v. Mrs. M. Davis, et al.

Defendant in Error.

On application of Mr A. J. Tagge, Counsel for Plaintiff in Error, it is ordered that Plaintiff in Error have until Saturday, January 15th 1898 in which to file answer to Defendant in Error's motion to dismiss Petition in Error.

No. 598

W. H. Rees,

Plaintiff.

vs.

C. H. Reed,

Defendant.

[illegible]

[illegible]

Court opened at 9:30 o'clock, A.M.

Present: Hon. Edwin Stanton Chief Justice.
" " Richard E. Sloan Associate "
" " Geo. R. Davis " "
" " Fletcher M. Doan " "

Supreme Court. } January Term, 1898
Territory of Arizona } Phoenix, Thursday, January 13th 1898.

Court opened at 9:30 o'clock, A.M.

Present: Hon. Edwin Stanton Chief Justice.
" " George R. Davis Associate.
" " Fletcher M. Doan "
" " Richard E. Sloan " "

Lloyd Jefferson, Clerk
E. E. Williamson Asst. Clerk.
Miss Ida Kirkpatrick, Asst. Clerk.
J. V. Peabody Bailiff.
Chas. J. Bennett "

The following Proceedings were had:

In the matter of the Application of [illegible] for a writ of habeas corpus.

Upon the application of [illegible] for a writ of habeas corpus, it is ordered that the same be granted, and that a writ of habeas corpus issue herein directed to [illegible] commanding him to have the body of [illegible] before this court at the court room in the city of Phoenix, in said county of Maricopa, on Thursday, the 13th day of January, 1898, at the hour of 9:30 o'clock A.M. of said day, then and there to show cause, if any he can, why the said [illegible] should not be discharged from custody.

January 13th 1915 Mrs. M. Sutherland,

Appellant-

No. 613 vs.

F. B. Maldonado,

Appellee.

Condition of Mrs. Fraser

Therefore, it is ordered that Appellant have leave to file affidavit of Matilda Sutherland Graves, and cause ordered submitted on papers and affidavit.

No. 127 William Schultz,

Appellant.

vs.

Ferriday & Shipman,

Respondent.

Appeal read in Mrs. M. Sutherland,

argument for Appellant and moved Court for order requiring the record of the Court below to forthwith be sent up in the case.

No. 5001 Virginia Veteran Mutual Insurance Co.,

Appellant

vs.

Knee & Knee,

Appellee.

Upon argument of Appellee, it is ordered that the motion to dismiss appeal be overruled.

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Jan. Term 1873.

H. K. Bancroft,

Appellant.

vs.

Jerem Dejarnett, Sheriff & Ex-Officio Tax-Collector of Hamilton County,

Appellee.

On motion of H. K. Bancroft of counsel for Appellant, it is ordered that the motion be submitted.

Jan. Term 1873.

Frances H. Hereford,

Appellant.

vs.

Elizabeth A. O'Connor,

Appellee.

This cause coming on for hearing and was argued by Mrs Frances H. Hereford for Appellant and by Wm H. Bancroft for Appellee, and cause submitted and taken under advisement.

Jan. Term 1873.

Robert Hereford,

Appellant.

vs.

W. J. Pearl,

Appellee.

This cause coming on for hearing, and was argued by Robert Hereford for Appellant and by Mr. Bancroft for Appellee and cause submitted and taken under advisement.

January 13th 98. It is ordered that this Court stand adjourned until Saturday at 9:30 o'clock A.M.

Webster Street Chief Justice.
Richard E. Thorn Associate "
Geo. D. Rogers " "
Peter F. McGovern " "

Supreme Court } January Term 1898.
County of Yazoo. } Friday January 14th 1898.

Court opened at 9:30 o'clock A.M.

Present: Hon. Webster Street Chief Justice.
" " Judge R. E. Thorn Associate "
" " Peter F. McGovern " "
" " Richard E. Thorn, " "

Hon. Jas. Yerger Clerk.
Wm. M. Whitehead, Sheriff.
Miss M. Yerger, Asst. Clerk.
J. M. Parker, Deputy.
Miss M. Thorn, "

The following proceedings were had, to-wit:

The minutes of the last session of the Court
of the previous day were read, corrected and approved.

June 1892

The appellees not having filed their petitions in
accordance with the rule of this court, and it
appearing to the court that such action is necessary
for the proper determination of the questions involved in the appeal
herein, it is hereby ordered that an
application be made by the clerk of this court for the record and by
him forwarded to the Department of Justice, the same being set
forth in the aforesaid application.

No. 353 Territory of Arizona,

Appellee.

vs.

The persons, real estate, land
and property described in the
delinquent list of the County
of Pima for Arizona 1891.

Appeal by Various, Objectors.

The petition of W. H. Bowell
is ordered filed & the clerk of this court with the proper
certificate & the record,

No. 354 Pima County,

Appellant.

vs.

Board of Supervisors,

Appellees.

Pima County filing petition for appeal
in the above entitled cause.

January 1898

No. 581

Ida B. Wells,

Appellant.

vs.

Jesse Shane,

Appellee.

This cause coming on to be heard upon argument by Mr. W. J. Edwards for appellant, and by Mr. Geo. Breckinridge for appellee, and the record being inspected, etc.

No. 1315

George Cluff,

Appellant.

vs.

Territory of Oklahoma,

Respondent.

This cause coming on to be heard upon argument by Jesse Mc Cleave, and W. J. Edwards for appellant and by Hiles G. Jones for Appellee, and the record being inspected, etc.

It is ordered that a writ of mandate issue herein directing the Board of Education etc.

Oklahoma Statehood Jubilee.

Souvenir

Stock of Knives

Supreme Court. } January Term, 1898.
Tuesday, January 17th 1898.

Court opened at 2.30 o'clock P.M.

Present: His Honor Walter Allen Chief Justice.
" " George A. Wood. Associate "
" " Fletcher McDonald " "
" " Richard E. Sloan " "
Lloyd Johnston. Clerk
E. E. Ellinwood. U.S. Attorney.
Wm. M. Griffith. U.S. Marshal.
J.M. Perkins Bailiff.
Prof. J. Prescott. Crier.

The following Decisions were announced.

No. 574. John McJames,
Appellant.
vs.
Hollis A. Hallenbeck,
Appellee.

The motion of Appellee, by Counsel, filed herein having been argued by the Counsel for both parties, and the Court having considered the same and being fully advised in the premises, ordered that said motion be denied.

No. 586. Jesse Olsen,
Plaintiff in Error.
vs.
Defendant in Error.

The Motion of Defendant in Error, filed herein on January 22nd 1898, for dismissal of this cause coming on to be heard and the Court being fully advised in the premises, ordered that said motion be denied.

July 19th '98 Rogers B. Wiggins,

Appellant.

No. 5465 vs.

Benthin & Schuetz, et als.,

Appellees.

The petition of Rogers B. Wiggins, appellant, to remove certain clerical errors in the proceedings of judgment heretofore and on February 8th 1897, entered in the cause, on page 535 of the Minute Book, having heretofore come up regularly to be heard and the same having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, therefore finds and decrees that the same should be granted, and that such clerical error should be corrected by striking out the words "Fee Simple," and inserting in lieu thereof the words "with limitation to the heirs of said Rogers B. Wiggins" so that the judgment of the Court shall read as follows, to-wit:

And it appearing that the Court has jurisdiction of the parties and of the subject matter of this action, and it appearing to the Court in conformity with

(Appeal from the Circuit Court of the United States.)

No. 5[illegible]

The Old Dominion Commercial Co.

Appellant.

vs.

The United States (a corporation),

Appellee.

The motion of Appellee to affirm the judgment of the lower Court having been heretofore submitted and by the Court taken under consideration, and the Court having duly considered the same and being fully advised in the premises, it is ordered that said motion be granted, and the judgment of the lower Court be and the same is hereby affirmed; and it is further ordered adjudged and decreed that the Appellee herein do have and recover of and from the Old Dominion Commercial Co., Appellant herein and Geo. H. Hunt and H.C. Fletcher the sureties on the appeal bond herein, the sum of $320.10/100 the amount of the judgment in the Court below together with Appellee costs in said lower Court & its costs in this Court taxed & $ & execution issued forthwith.

No. 53

The Old Dominion Commercial Co.,

a corporation,

Appellant.

vs.

The United States,

Appellee.

The motion of appellee to affirm the appeal herein having been heretofore submitted and by the Court taken under consideration and the Court having

Jany 15th '78 duly considered the cause and it is ordered that said Appeal be dismissed, it is ordered that said Motion be overruled, and the Judgment of the lower Court be affirmed by and the same is hereby affirmed. And it is further ordered adjudged and decreed, that Appellee herein do have and recover of and from The Old Dominion Commercial Co., a corporation, Appellant herein and Geo. H. Hunt and H. C. Hitchcock the sureties on the appeal bond herein, the sum of $ 320.00/100 the amount of the judgment in the court below together with Appellees costs in said lower court and of this court laid at $ And Receivable herein forthwith.

No. 574 John H. Evans,
Appellee.
vs.
Kelly & Gallemore,
Appellee.

Our motion of Mr. E. J. Gallemore, to dismiss that the same be overruled. on Brief.

No. 516. B. B. Lemmon.
Appellant.
vs.
Appellee.

Our motion of Appellee to [illegible]

January 9th 13

On motion of C. A. Wheeler, Esq. a member of the Bar of this Court produced a certificate of admission to practice in the District Court of the Third Judicial District of Arizona and was admitted to practice in this Court upon taking the oath and signing the Roll of Attorneys.

On motion of P. W. Tompkins, Stephen J. Darby who holds a certificate of admission to practice in the Supreme Court of the State of Montana, was admitted to practice in this Court upon taking the oath and signing the Roll of Attorneys.

No. 612

Archie Comeby,

Appellant.

vs.

Charles A. Johnston,

Appellee.

On motion of Wm. H. H. English Counsel for Appellant, leave was granted Appellant until January 20th to file Brief.

No. 613

N. E. Clegg, E. H. Crane, et als.,

Appellants

vs.

Daniel Thomas,

Appellee.

On motion of Geo. Shiras Jr. Esq. of counsel for Appellants, it is ordered that leave be granted to file Brief

Jersey appeals case

W. C. Page,

Appellant.

No. 627.

vs.

N. N. McCord et al.,

Appellees.

Per curiam. J. N. Stallcup et al. Counsel for Appellant, ordered that Appellant file his brief within. Per curiam. The Attorney General, ordered that Appellee have until January 22nd to file brief in reply.

No. 628

J. N. Stallcup,

Appellant.

vs.

Bernard B. Edwards Secretary, et al.

Appellees

Per curiam. N. N. Stallcup et al. Counsel for Appellant, ordered that the consideration of this cause be passed for the present.

No. 629

Benjamin Reeder, et al.

Appellants.

vs.

Isaac Woods,

Appellee.

Per curiam. Upon motion of Appellee and Appellant's counsel it is ordered that the Appellant file his brief within

No. 628. W. W. Jones et al. Plaintiffs in Error
vs.
No. 621. James Wilson, Defendant in Error

On motion of Frost, Frantzing Jr. of counsel for Defendant in Error, ordered that Defendant in Error have leave to file brief by 1st inst.

No 618. H. B. Scott, Appellant
vs.
Calvin F. Hurley, et al. Appellees.

On motion of Frost, Frantzing Jr. of counsel for Appellees, ordered that Appellees have leave to file brief by 1st inst.

No. 576 Elias L. Fidwell, Appellant
vs
The Pecos Cattle Company, a corporation, Appellees,

This cause coming on for hearing and was argued by Riley F. Jones and E. J. Edwards for Appellant and by Wallace Berry for Appellees, and upon

January 17th 28

No. 5823

Jane L. Kalisner

Appellant

vs.

Jas. H. Hammill, Administrator
of the estate of Frank D. Johnson, decd.

Appellee.

This cause came on for hearing and was argued by E. J. Edwards for Appellant, and cause ordered submitted on papers and briefs.

It is ordered that this Court Stand adjourned until tomorrow at 9:30 o'clock A. M.

Hebster Street Chief Justice.
Richard E. Thomas Associate "
Geo. T. Bates " "
Fletcher M. Doss " "

Supreme Court } January Term, 1898
Territory of Arizona } Phoenix, Tuesday January 18th 1898

Court opened at 9.30 o'clock A.M.

Present: Hon Henry Webster Street Chief Justice.
" " George R. Davis Associate "
" " Fletcher M. Doan " "
" " Richard E. Sloan " "

Lloyd Johnston Clerk.
E. E. Ellinwood, U.S. Attorney.
Wm M. Griffith U.S. Marshal.
J. A. Porter, Bailiff
Thos. J. Prescott. Crier.

The following business was transacted.

No. 600. F. L. Johns
Appellant.
vs.
The Phoenix National Bank,
a corporation,
Appellee.

Upon motion of Appellee it is ordered that the appeal herein heretofore submitted, and by the Court taken under consideration, and the Court being duly advised in the premises, it is ordered that said motion be granted and the Appeal herein dismissed with costs, and it is further ordered and adjudged that the Appellee herein have and recover of and from the Appellant herein its costs, this Court having heretofore on the 7th day of January (Jan 7, 1898)

Filed 18th Dec 98

F. J. Seiger and Dan Freeman, assignees of The Bank of Temple, a corporation,

Appellant.

No. 601

vs.

Thompson Walker (R. B. Carley, et al.

Appellees.

In motion of Appellee to dismiss the appeal herein, having been heretofore submitted and by the Court taken under consideration and the Court having duly considered the same and being fully advised in the premises, it is ordered that said motion be granted and the appeal herein dismissed with costs, It is further ordered and adjudged that the Appellees herein have and recover of and from the Appellants herein their costs in this behalf expended to be taxed at $ 5.00 Dollars

[illegible] Plaintiff's Attorney [illegible] Original Writ,
[illegible] Declaration & Plaintiff's Bill of Particulars, Plea of
$ 181.44 Debt & Defendant's Bill for Costs in Error & Writ of Error
& Citation of $ 195.84 with Legal Interest & Return from June
14th 1893, Judgment for Defendant of $ 14.00 for Costfeather Record
& Opinion of Court, Together with Defendant's Bill of Costs in Error
Filed at Transcription and Three Copies Transcript for,

No 916. B. H. Freeman,

Plaintiff.

vs.

Fidelity Insurance Trust & Safety Vault Co.

Defendant.

The Petition of the Defendant in Error
respectfully represents that the Plaintiff in Error obtained a Judgment
in the Court below against your Petitioner, and that your Petitioner
desires to prosecute a Writ of Error to the Supreme Court of the
State of Illinois to reverse said Judgment, and your Petitioner
prays that a Transcript of the Record, Proceedings and Judgment
in said cause, duly authenticated, may be sent to the Supreme Court
aforesaid, and your Petitioner will ever pray &c.

[illegible]

B. H. Freeman,

Plaintiff.

vs.

[illegible]

Defendant.

[illegible]

[illegible]

[illegible]

No. 71.

[illegible]

2537. Chas. C. Smith

vs.

Appellant.

J. S.

M. D. Jeffreys,

Appellee

This cause coming on this day to be heard upon the motion of the appellant herein to dismiss the appeal for the reason that the bond was not filed within the time prescribed by the statute and the appellant by this court at the January term 1897

[illegible]

vs.

J. S.

M. [illegible]

Appellee.

This cause coming on this day to be heard upon the motion of the appellee herein to dismiss the appeal for the reason that the appellant has not filed [illegible]

No. 372

F. K. Wiegmann, Jr.

Appellant.

vs.

Jacob W. Wilson,

Appellee.

Appeal from Pr. Circuit Court.

Appellant's counsel filed a motion to dismiss the appeal herein, because the appeal bond was not filed within the time required by law, and because the appeal was not prosecuted at the present term of this Court, viz: at the December term, A. D. 1898.

No. 373

Conrad Schaefer,

Appellant.

vs.

Joseph Schaefer,

Appellee.

Appeal from Pr. Circuit Court.

No. 595

Reconstructed Canal Co. Appt.
(in Conformation),
Appellant.

vs.

Mexia Canal Company, in Conformation,
Appellee.

On motion of Pitts, C. M.

Frazier, Counsel for Appellee, ordered that the hearing of this cause be reset for February 7th 1898.

No 619.

J. F. Dagger and Belle Dagger,
Appellants

vs.

J. H. Hopkins, Jr. et al.
Appellees.

On motion of Mrs E. M. D-d,
Counsel for Appellees, ordered that Appellants file brief by Monday next, January 31st 1898.

No. 620

J. F. Dagger,
Appellant.

vs.

J. H. Hopkins, Jr. et al,
Appellees.

On motion of [illegible],
[illegible] for Appellees, ordered that Appellant file brief by [illegible]
[illegible], January 31st

January 18th 98

No 578

Wm M. Bickford, et als.

Plaintiff in Error.

vs.

B. N. Freeman, et al.

Defendant in Error.

This cause came on for hearing.

Mr A.J. Dagger appearing for Plaintiff in Error and Joseph Campbell and Edward M. Dorr for Defendant in Error.

Defendant in Error introduced in evidence Cause No 563, record of this Court entitled —

"Samuel Anderson,

Defendant

and C.E. Dagger, Intervenor,

Appellants.

vs.

C. N. Freeman, M.K. Nicholls and

J.H. Howard, Jr. Co-partners under the firm name of Freeman Central Texas.

Appellees."

Whereupon it is

ordered by the Court that the decree heretofore rendered in this cause, be and the same is hereby affirmed and Edward M. Dorr for Defendant in Error, and cause ordered dismissed.

No. 579

George Brace,

Appellant.

vs.

C. N. Freeman,

Appellee.

Now on this day this cause coming on to be heard upon the transcript of the record and upon motion of appellant and it appearing to the Court that appellant has filed herein his motion to dismiss this appeal, it is therefore ordered by the Court that this appeal be and the same is hereby dismissed.

58

Jersey [illegible] Circuit Court

vs.

P. H. Brady,

Appellant.

vs.

Appellee.

This cause came on for hearing and was argued by Chas. H. Henderson and C. M. Wright for Appellant and by Wm. H. Barnes for Appellee, and cause ordered submitted.

It is ordered that this court stand adjourned until tomorrow at 9½ o'clock A. M.

Sept. 20, 1870.

Chief Justice.

Associate "

" "

" "

Supreme Court, } January Term. 1898.
Territory of Arizona } Phoenix, Wednesday January 19th 1898.

Court opened at 9:30 o'clock A.M.

Present: Hon Hosea Webster Street Chief Justice.
" " George R. Daniel Associate "
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
Lloyd Johnston. Clerk.
E.E. Ellinwood, U.S. Attorney.
Wm M. Griffith. U.S. Marshal.
Thos. J. Prescott. Crier
J.H. Portein, Bailiff.

The following Justices was present.

No 618 M.B. Scott,
Appellant.
vs.
Patrick F. Hurley, et al.
Appellee

The appellee in the above entitled cause having filed herein a motion to dismiss the appeal herein, and the Court having heard argument of counsel thereon, and the record and files herein having been examined and considered, and the Court being fully advised in the premises, it is ordered that the motion to dismiss the appeal herein be and the same is hereby overruled.

Ordered that the Clerk enter an order setting the above entitled cause for hearing on the 20th day of January A.D. 1898 at the hour of 10 o'clock A.M. of said day.

No 621.

The motion of Defendant in Error to dismiss Writ of Error filed herein, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be and the same is hereby denied.

Now motion of Counsel for Plaintiff in Error it is ordered that Plaintiff in Error have reasonable time in which to file brief and Defendant in Error to file reply by February 2nd 1898.

No 622.

R.E. Jagger, et al.,

Plaintiff in Error,

vs.

Phoenix National Bank.

Defendant in Error.

The motion of Defendant in Error to dismiss Appeal filed herein, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be and the same is hereby denied.

Now motion of Mr. R.H. Charlesworth, Counsel for Defendant in Error, it is ordered that Defendant in Error have reasonable time in which to file brief, and same ordered for hearing on February 2nd, 1898.

Leave to file
Error

No. 589 — Wm. M. Bickford, Plaintiff in Error, vs. Seth J. Johnson, et al., Defendant in Error.

The motion of Defendant in Error to dismiss Petition in Error filed herein, having been submitted and the Court having fully considered the same and being fully advised in the premises, it is ordered that said motion be and the same is hereby granted.

No 627. — E. B. Gage, Appellant, vs. H. H. McCord, Dec. et al. Appellees.

Upon motion of Attorney General for Appellee, it is ordered that this cause be continued to Sept. Ter.

No. 628 — Thaddeus Peter et al., Appellants, vs. [illegible], Appellees.

[illegible]

62

No. 589

James [illegible] Mercer Cleary,

Plaintiff in Error.

vs.

The County of Cochise,

Defendant in Error.

On motion of A.R. English for defendant in error, It is ordered that this cause be submitted on briefs.

No. 590

A. Barry,

Appellant.

vs.

E.B. Kirkland, et al.,

Appellees.

It is ordered that this cause be set for hearing, February 7th 1898.

No. 591.

Thos. Wagoner, et al.,

Appellants.

vs.

J.E. Wagoner,

Appellee.

It is ordered that

No. [illegible]

[illegible]

Appellee.

Jany 19th 98 — Ord ered that the consideration of this cause be heard

No. 599 — On the hereafter set for hearing

No 605 — The New York Life Insurance Co. et al.

Appellants.

vs.

D. K. Abrams, et al.,

Appellees.

On motion of Mr Walter Bennett, Counsel for the Appellee, it is ordered that the Appellee have ten days in which to file brief, and it is further ordered that the hearing of this cause be set for February 7th 1898.

No. 610 — F. E. Jordan et al.,

Appellants,

vs.

Irving Salsbury,

Appellee.

Cause submitted on printed briefs.

No. 611 — [illegible]

January [illegible]

No. 616 — B. M. Culberson,

Appellant.

vs.

Western Investment Banking Co.

Appellee.

On motion of Mr. J. B. Early Counsel for Appellee, it is ordered that the Appellee have until January 26th to file brief. It is further ordered that this cause be set for hearing on February 8th 1898.

No. 617. — J. C. Adams and Anna D. Adams,

Appellant.

vs.

James O'Connor, et al.,

Appellee.

It is ordered that the consideration of this cause be passed for further call.

No. 618. — Geo. C. Hillyer,

Appellant.

vs.

Peter Conroy,

Appellee.

It is ordered that this cause be passed for further call.

Jany. 19th '98.

No. 624

J. H. Humphreys,

Appellant.

vs.

Bernice B. Adams, et al.

Appellee.

On motion of Appellee, it is ordered that Appellee have leave to file motion to dismiss and that this cause be set for hearing February 8th 1898

No 626

J. H. Humphreys,

Appellant.

vs.

Frank Segrest, et al.,

Appellee.

On motion of H. H. Brewer Counsel for Appellant it is ordered that he have leave to file abstract and brief, and that hearing of this cause be set for February 8th 1898.

No 603

Rebecca Ann Nicholson Green,

et al.

Appellant.

vs.

[illegible]

Appellee.

[illegible]

Queen vs. [illegible] Owners,
Appellants.
vs.
Wreckers of Steamer,
Respondents.

The above cause coming on to be heard, was argued by Mr C.H. Knight for Appellant and by Mr. H. H. Warren for Respondent and same was taken for consideration.

Dated at Halifax this 20th day of January A.D. 1898.

Hebbert Street Chief Justice.
Richard E. Harris Associate "
Thos. Wilson " "
Alexander McLellan " "

[illegible] } [illegible]

[illegible] } [illegible]

[illegible]

[illegible]

[

January 5.

No 563. J. H. Thompson,

Appellant.

vs.

Francis Dycant, Treasurer & Ex-Officio Tax-Collector of Tehama County,

Appellee.

It is ordered in this cause that the motion to vacate filed herein by the Appellee be and the same is hereby denied, and the cause stands for hearing.

No 562. The Atlantic and Pacific R.R. Co. et al,

Appellant.

vs.

The Defiance Cattle Co.

Appellee.

The motion of Appellee to affirm judgment filed herein, having been heretofore submitted and the Court having fully considered the same and the Court having fully considered the cause and having fully advised in the premises, it is ordered that the judgment of the lower court herein be and the same is hereby affirmed.

Jan'y Sess'n 98

No 563.

General Construction Co. et al.,
Appellant
vs.
B. N. Freeman, et al.,
Appellees.

Per Curiam. It is ordered that the motion for rehearing filed herein by Appellant be, and the same is hereby denied.

No 564. General Construction Co. et al.,
Appellant.
vs.
B. N. Freeman, et al.,
Appellees.

Per Curiam. It is ordered that the motion for rehearing filed herein by Appellant be, and the same is hereby denied.

No 565. [illegible]
Appellant
vs.
[illegible]
Appellees.

[illegible]

January 28th 1879

On motion of Jno. J. Hemphill, Attorney for Appellant in the case of F. E. Jordan, et al. Appellant, vs. John Doe et al, Appellee, It is ordered that Mr F. E. Cornell be entered as additional Counsel for Appellant in said cause.

On motion of F. H. Johnston, Attorney for Appellee in the case of F. E. Jordan et al, Appellant, Vs John Doe et al, Appellee, It is ordered that Mr F. E. Brown be entered as additional Counsel for Appellee in said cause.

No 579. F. E. Jordan et al, Appellant.
vs.
John Doe, et al, Appellee.

This cause coming on to be heard, was argued by Jno. J. Hemphill, Attorney for Appellant and by H. H. Brown and F. E. Brown, Attorneys for Appellee, and the argument being concluded,

The record in this cause & mean

In Error to the

Circuit Court of the United

States for the District

of Kansas.

Present the Chief Justice and

the Associate Justices.

and Clerk.

The following Decisions were announced.

No 579 F. E. Jordan, et al

Appellants.

vs.

John Deere, et al.

Appellees.

This cause being continued from

the preceding session, Mr F. E. Corbett, counsel for the Appellants

submitted the argument, and the case, ordered, submitted on brief.

On motion of counsel for Appellees, ordered, that

they have 20 days to file brief herein, and on motion of

Counsel for Appellees, they were granted 10 days thereafter

to file reply brief.

On motion ordered that the Circuit Court be directed

to proceed with the case as mandate.

Mr Justice Strong delivered the Opinion

of the Court

Mr Justice Miller

Present: Hon. Hosea, Presiding Judge. ...
Hon. Wm. M. Griffith, Associate Judge. ...
Present: His Honor, Presiding Judge.
" " Associate Judge.
" " Associate Judge.
" " Associate Judge.
Chas. Johnston, Clerk.
E. E. Ellinwood, U.S. Attorney.
Wm. M. Griffith, U.S. Marshal.
J. A. Carter, Bailiff.
Thos. J. Prescott, Crier.

The following business was transacted.

No 618 — County of Cheyenne, Appellant.
vs.
County of Jefferson, Appellee.

Cheyenne County, Appellant, by ... Attorney, and Jefferson County, Appellee, by ... Attorney, ... [illegible]

No 619 — P. C. Dwyer, et al., Plaintiffs in Error.
vs.
Phoenix National Bank, a corporation, Defendant in Error.

[illegible]

Jan 29th 98

[illegible] Plaintiff [illegible] Defendant [illegible]
[illegible] Leave [illegible] Certificate, [illegible] Writ [illegible]
produce certain papers, also exhibit WAYNE Cross Complaint
Bill Certificates and receipts for Warranty Deed in Cause,
offered in rebuttal by Plaintiff and Cause by the Court rejected as
the Evid. and it is further ordered that Defendant in Error
have until January 29th 1898 to file Brief.

In Session at Phx. M. D. Rose it is ordered that M. A. Hen-
ville Todd a Certificate from the District Court of the Third
Judicial District of the Territory of Arizona, in and for
Yavapai County, & admitted to practice in this Court upon
Engrossed Certificate of Attorneys and Counsel thereunto annexed.

[illegible] Plaintiff [illegible]

vs.

[illegible] Defendant

Now on this day [illegible]

[illegible]

[illegible]

[illegible] Motion [illegible]
[illegible] Court [illegible]
[illegible] Brief.

No. [illegible] [illegible],

Appellant,

vs.

[illegible],

Appellee.

Per curiam of the Honorable

Counsel for Appellee, it is ordered that this cause be submitted

on Briefs.

No 133. Chas. Hazen,

Appellant,

vs.

Territory of Arizona,

Respondent.

This cause coming on to be heard

was argued by Mr E. E. Ellinwood, Counsel for Appellant and by

Attorney General Fenzien for Respondent and cause ordered submitted.

Judge Sloan being the Said Judge of the lower court, did not

sit at the hearing of this cause.

No. [illegible] James L. Pearce,

Appellant,

vs.

[illegible],

Appellee.

[illegible]

Meeting held at the Court House in Lumberland, Saturday, January 20th, 1898 at 1:30 o'clock P.M.

Present Hobson Street Reeve.
Richard E. Dixon Deputy Reeve.
Geo. A. Edson "
Fletcher M. Rose "

Absent None.

Minutes of last meeting read and confirmed.

Moved by Richard E. Dixon, seconded by Geo. A. Edson, that the Treasurer be instructed to pay the following accounts:

Wm. Bell, Jr.	Gravel
S. B. Bellwood	Bal. Witnessing.
Thos. M. Seipelt	Bal. Gravel.
Wm. H. Bennett	Gravel
W. H. Bell	Sheriff.

Moved by Richard E. Dixon, seconded by Geo. A. Edson, that this Council do now adjourn to meet on Friday

[illegible] Term, 1906.

No. 136. [illegible] Appellant.

vs.

[illegible] Respondent.

The requirement was that cause removed by J. E. Morrison for Appellant, at the conclusion of which, it was ordered that the cause be submitted.

No. 137. William Schultz, Appellant.

vs.

Treasury of Nebraska, Respondent.

This cause coming on

for hearing, was argued by Mr. H. H. Brewer for Appellant and by Mr. H. A. Rice for Respondent, and the cause submitted.

The Hon. Judge Chase did not sit at the hearing of this cause.

[illegible] H. Hubbard et al, Appellants.

vs.

[illegible]

Respondents.

Court convened.

[illegible] Richard E. Sloan [illegible]

Be assured, January 26th 1898 [illegible] 1898.

Webster Street Chief Justice.
" Richard E. Sloan Associate "
[illegible] " "
[illegible] " "

Supreme Court, } January Term, 1898
Territory of Arizona } Phoenix, Wednesday January 26th 1898.

Court opened at 9:30 o'clock A. M.

Present, Hon Hosea Webster Street Chief Justice.
" " George R. Davis Associate "
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
Lloyd Johnston, Clerk.
E. E. Ellinwood U.S. Attorney.
Wm M. Griffith U.S. Marshall.
Thos. J. Prescott Crier
C. A. Matthews. Bailiff.

[illegible] February Session now convened.

[illegible]

[illegible]

[illegible]

January 23

No. 636.

[illegible]

Appellant.

vs.

James Ygnacio, Treasurer et al.,

Appellee.

The motion of Appellant for the continuance in this cause filed herein, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be and is hereby sustained.

760. 617.

J. C. Adams and Anna L. Adams,

Appellant.

vs.

James O'Connor et al.,

Appellees.

The motion of Appellant to continue cause for the term filed herein, having been heretofore submitted and by the Court taken under consideration and the Court having considered the cause, and being fully advised in the premises, it is ordered that said motion be and is here by continued.

No. 637. E. C. Briggs,

Appellant.

vs.

[illegible]

Appellee.

[illegible]

and the Court having fully considered the same and being fully

Jany 26th 98

advised in the premises. It is ordered that the judgment of the Court below sustaining the demurrer to the complaint and dismissing the action, be and the same hereby is affirmed with costs. It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from E.B. Gage the Appellant herein and Thos. H. Pemberton and Walter Bennett sureties in the appeal bond herein, his costs in the Court below and his costs in this Court taxed at $

No 480 Jas. A. Roberts,

(Plaintiff in Error.

vs.

C. N. Smith, as Receiver of the Wood C.R.R. Co.,

Defendant in Error.

On motion of Mr. Harris, Attorney for Defendant in Error it is ordered that this cause be submitted on Briefs.

No 503. [illegible]

vs.

[illegible]

Supreme Ct.

On motion of W. H. Hilliard, Esquire (& Hill. who holds a certificate of admission to practice in the Supreme Court of the State of California, was admitted to practice in this court upon taking the usual oath and signing the Roll of Attorneys.

No 594

H. F. Quay, L. H. Orme, et al.,

Appellants.

vs.

Daniel Noonan,

Appellee.

On motion of Mr Hilliard counsel for Appellant, it is ordered that this cause be set for hearing on February 9th 1898 for oral argument.

No 584

Apache County,

Appellant.

vs.

Julius Barth, Executrix,

Appellee.

This cause coming on for hearing was argued by J. H. Hilliard, attorney for Appellant and by Wm. H. Jackson, attorney for Appellee and cause submitted.

It is ordered that this cause be set for hearing, Monday, April 18th at 10 o'clock A.M.

Rebecca Street

Clerk

By [illegible] Deputy.

Northwest Circuit. } January Term 1898.
Territory of Arizona } Clifton, Monday January 24th 1898.

Court opened at 9.30 o'clock A.M.

Present: His Honor Richard E. Sloan, Associate Justice. Presiding.
" " George R. Davis " "
" " Fletcher M. Doan, " "

Lloyd Johnston Clerk.
E.E. Ellinwood, U.S. Attorney.
Wm M. Griffith. U.S. Marshal.
J.A. Valerio, Bailiff.
Thos. J. Prescott, Crier.

His Honor Chief Justice Sloan not being present was unable to sit.

The following business was transacted.

No. 619. J.F. Wagner et al., Appellants
vs.
J.H. Hoskins et al., Appellees.

[illegible]

January 25th.

No. 588.

George H. Penny,
Appellant.
vs.
Jacob Mayer, et al.
Appellees.

On motion of Mr Norris, Attorney for Appellee, it is ordered that this cause be set for hearing, Monday January 31st 1898.

No. 615

Corbett Bros. and Max Salzmann,
Appellants.
vs.
Mandel Bros. & Co.
Appellees.

This cause coming on for hearing, was argued by Mr W. M. Dee, Attorney for Appellants and by Mr C. H. Morris, Attorney for Appellees and the cause submitted.

No 611.

[illegible] McCormick, et al,
Appellants
vs.
[illegible]
Appellees.

[illegible]

Court convened pursuant to adjournment, all present.
Court Stenographer, January 28th 1898. at 7:30 o'clock A.M.

Chester Street — Chief Justice.
Richard E. Sloan — Associate "
Geo. D. Davis — " "
Wm. Herbert Hawkins — " "

Supreme Court: } January Term. 1898.
Territory of Arizona } Phoenix, Friday, January 28th 1898.

Court opened at 7:30 o'clock A.M.

Present: Hon. Richard E. Sloan, Associate Justice, Presiding,
" " George R. Davis " "
" Fletcher M. Doan. " "

Clerk: Edward Kent.
Sheriff: Wm. H. Harrison.
Deputy Sheriff: Wm. J. Murphy.
Interpreter: Jesus Romero.

No further business appearing Court took recess until
ten o'clock A.M. to-morrow.

[illegible]

Supreme Court. Special Term Arrangements announced.

Court Monday January 31st 1898 at 9:30 o'clock A.M.

Chester A. Street, Chief Justice.
Richard E. Sloan, Associate "
Geo. R. Davis " "
Hitchcock McLean " "

Supreme Court } January Term 1898
Territory of Arizona. } Phoenix, Monday, January 31st 1898

Court opened at 9:30 o'clock A.M.

Present: Hon Chester A. Street, Chief Justice.
" " George R. Davis, Associate "
" " Hitchcock McLean " "
" " Richard E. Sloan " "

Lloyd Johnston, Clerk.
Wm M. Griffith, U.S. Marshal.
Geo. J. Bennett, Crier.
J.H. Carlisle Bailiff.

The following business was transacted.

Motion to dismiss appeal,
Argued.

Motion to dismiss appeal,
Argued.

[illegible] and [illegible] the performance of the [illegible] and revise it and the mixed [illegible]

It is further ordered, adjudged and decreed by the Court that the said Appellee herein do have and recover of and from Appellant, The United States of America, all of their costs in and about their appeal laid out and expended in this court, to wit ~~ten~~ dollars and also the amount of Thirteen hundred dollars and eighty-six cents, the same being the amount of the Judgment of the Court below, together with all of their costs accrued in the Court below

No 629. E. F. Pedersen,

Appellant.

vs.

Lazarus M. Taylor,

Appellee.

[illegible]

[illegible]

[illegible]

Transcript of

No. 6315

Pierce Cooper, etc.,

Appellant.

vs.

Pima County,

Appellee.

It is ordered that this cause be set for hearing on February 9th 1898, and it is further ordered that the clerk be directed to notify Hon. W. H. Kerr, attorney for Appellee, of the same.

No 587.

J. L. Hereford, et al.,

Appellant,

vs.

The Salt River Valley Canal Co. et al.,

Appellee.

This cause coming on for hearing and on motion of J. F. Fleming counsel for Appellee, It is ordered that this cause be set for hearing on February 3rd 1898,

[illegible]

[illegible]

Appellant

vs.

[illegible]

Appellee

[illegible]

Cause appealed from

No 573.

E. A. Alexanderson,
Appellant.
vs.
Joseph M. Robinson,
Appellee.

This cause coming on for hearing upon motion to dismiss appeal, it is ordered that this cause be submitted on Briefs

No 588

Wm. H. Herring,
Appellant.
vs.
Lucretia Rogers, et al.,
Appellees.

This cause coming on for hearing upon motion to dismiss appeal by Messrs. Brewer & Nelson for Appellant and by Messrs. Brewer & Brewer for Appellees, it is ordered that the motion be overruled.

and that Grant Apex 1800 and miners' right agreement referred to be good and according to law, that said agreement that said miners' right be and the same is hereby approved in the sum of $40.00.

Done in open Court this 31st day of January 1898, at Phoenix, Arizona.

Hobson Street, Chief Justice.
Geo. T. Irvine, Associate "
F. M. Howe " "
R. E. Sloan " "

It is ordered that this court stand adjourned until February 1st 1898 at 9.30 o'clock A.M..

Hobson Street Chief Justice.
Reuben E. Sloan Associate "
Geo. T. Irvine " "
Herbert M. Rowe " "

Supreme Court. } January Term, 1898.
Territory of Arizona. } Tucson, Tuesday February 1st 1898.

Court opened at 9:30 o'clock A.M.

Present, Hon Hosmer Stebbins Street Chief Justice
" " George R. Davis Associate "
" " Fletcher M. Doan " "
" " Richard E. Sloan " "

Lloyd Johnston Clerk.
E. E. Ellinwood U.S. Attorney.
Wm M. Griffith, U.S. Marshal.
Thos. J. Prescott, Crier.
J. A. Zabriskie, Bailiff.

The following proceedings were had:

No. 586 Wm Klein,
Plaintiff in Error,
vs.
Robert E. Morrison,
Defendant in Error.

Plaintiff in Error appeared by his attorney, and argued the motion of Plaintiff in error to dismiss the cause for want of prosecution.

And it appearing that said motion should be granted, it is ordered that the cause be dismissed at plaintiff's cost.

Hosmer Stebbins Street Chief Justice.
George R. Davis Associate
Fletcher M. Doan Associate

Supreme Court. } Quarterly Session 1898.
Province of Alberta } Thursday, Wednesday February 2nd 1898.

Court opened at 10 o'clock A.M.

Present, His Honour Richard Chief Justice.
" " Rouge Puisne "
" " Tuttle " "
" " Richard " "

Royal Warrant read.

W. H. Cornett. N.A. Marshal.
Stenographer Present
J. A. Prevost. Bailiff.

The following Barristers were Examined.

In Bag

Before Chief Justice.

vs.

In Chambers.

Before Chief Justice.

In this cause counsel on both sides addressed the Court upon the case stated for the opinion of the Court and the Court reserved judgment.

In this cause counsel on both sides addressed the Court upon the case stated for the opinion of the Court and the Court reserved judgment.

In Chambers

Before Chief Justice.

vs.

In Chambers

Before Chief Justice.

In this cause counsel on both sides addressed the Court upon the case stated for the opinion of the Court and the Court reserved judgment.

Feb. 8. 18

No 593

C. H. Hall,
Respondent;
vs.
C. G. Hartford
Appellee.

Error from Bexar County.

Appellee brought suit against appellant to recover the sum of $1,000 alleged to be due him for services rendered as attorney at law in the case of Hall et al. vs. Hartford et al. in the District Court of Bexar County.

Appellant answered by general demurrer, general denial, and special plea of limitation of two years.

Upon the trial the jury returned a verdict in favor of appellee for $1,000, upon which judgment was rendered.

Appellant's counsel in this court have filed a brief in which they state that they do not desire to be heard in the case, and that they will not file a brief.

Appellee's counsel have filed a brief in which they state that they do not desire to be heard in the case, and that they will not file a brief

[illegible]

[illegible]

[illegible]

No 620.

J. H. Hopper,

Appellant

vs.

J. W. Hamilton Jr. et al.,

Appellee.

This cause coming on for hearing, upon the motion of Appellant for a writ of certiorari and the Court being duly advised in the premises,

No 587

H. K. Bramlett et al.,

Appellants

vs.

The Board of Commissioners of Johnson County,

Appellee.

This cause coming on for hearing upon the petition, motion and affidavit of Appellants for a writ of certiorari and the Court being duly advised in the premises,

Order Book

Register of Actions

Index

Statement of Claim

Supreme Court. } Tuesday, 1898
Province of Alberta, } Tuesday, Jan. 4th 1898.

Court opened at 9.30 o'clock A.M.

Present His Honor Hebden Street Chief Justice.
" " George R. Davis Associate "
" " Fletcher H Down " "
" " Richard E Alexander " "

Lloyd Johnston Clerk.
Wm H. Griffith N.W. Marshal
Thos. J. Prescott Crier.
J.A. Carter. Bailiff.

The following business was transacted.

No 621 W.L. Johns, F.E. Jaggs et al.,
Plaintiff in Error.

vs.

James Wilson,
Defendant in Error.

This cause coming on for hearing was argued by W.J. Jaggs, attorney for Plaintiff in Error and by Mr Alexander appearing for Defendant in Error and the cause reserved for judgment.

No 623 (P.E. Jaggs et al.,
(Plaintiffs in Error.

vs.

(Thomas Hetherington,
Defendant in Error.

This cause coming on for hearing was argued by W.J. Jaggs, solicitor for Plaintiffs in Error and by Mr Alexander appearing for Defendant in Error and the cause reserved for judgment.

It is ordered that this Court do stand adjourned
until Monday February 7th 1898 at 7.30 o'clock P.M.

Oberski Street Chief Justice
Edward E. Adam Associate "
Geo. Tilsons " "
Herbert M. Doan " "

Adjourned Court } Saturday, 5th. Feb. 1898.
Criminal Sessions } Present, Hon. Justice Street.

Present, Hon. Justice Street Chief Justice.
" " Edward E. Adam Associate "
" " Herbert M. Doan " "
" " Frederick Eaton " "

Grand Jury sworn.
Clerk to Crown, Clerk Associate.
Hon. C. Crossett, Crier.
C. of P. Peters, Bailiff.

The Grand Jury returned into Court.

(Decided 1st October, 1894.)

(Appeal from the District Court of Waitemata.)

(Practice—Appeal—Case stated by District Court—Jurisdiction of Supreme Court—Amendment of case—Costs.)

A. Barnes,

Appellant.

vs.

E. B. Tindall, et al.,

Respondents.

Held, that the Supreme Court has jurisdiction to hear and determine an appeal from a case stated by a District Court.

Held, further, that the Supreme Court has power to amend a case stated by a District Court.

Held, further, that the Supreme Court has power to award costs of an appeal from a case stated by a District Court.

Quære: Whether the Supreme Court has power to award costs of an appeal from a case stated by a District Court.

Quære: Whether the Supreme Court has power to award costs of an appeal from a case stated by a District Court.

5. Oct. 38 Die Königl. Preuß. Regierung (Abtheilung
des Innern)
Appellantin

No 615

gegen

Dr. Wilhelm Heinrich Schulz,
Appellaten.

Die Acten ausgezogen
zu Ende Referirt, nun erkannt Für Recht Die Appellantin
Für Appellirt und Für Recht Die Appellaten, wird
Dieses Erkenntniß publicirt.

Recht Erkannt

Die Königl. Preuß. Regierung (Abtheilung des Innern)
Appellantin

gegen

Wilhelm Heinrich Schulz,
Appellaten.

Dieß Erkenntniß publicirt und Für
Rechtskräftig erklärt durch Publicirung Dieses Urtheils.

Die Kosten Dieses Rechtsstreits werden Dem Appellaten
Wegen Seiner Unterliegung Auferlegt.

Oberhof Recht.
Siegfried E. Hahn
Fr. Otto

Rechtsfürsprech

Regular Meeting } Council Chamber, A. M. S.
Special Meeting } Monday, Sunday Evening, February 8th, 1892.

Court opened at 7:30 o'clock, P. M.

Present, His Honor Mayor Nichol, Chief Service.
" " George P. Daniel Recorder "
" " Victor M. Dow " "
" " Richard E. Glover " "

Lloyd Johnson Clerk.
Wm. M. Griffith, M.A. Marshal.
Thomas L. Prevett, Crier.
J. W. Crosbie, Bailiff.

The following business was transacted.

Mayor Dow, Chairman,
Councillor Glover.

25.

Richard E. Glover,
Councillor for Ward.

The question of Defendant's Counsel's application, filed herein, dated February 8th, 1892, for leave to withdraw his plea of Not Guilty and to plead Guilty to the charge of Drunkenness and Disorderly Conduct in a Public Place and pay a fine and costs of $5.00 and costs, or in default thereof to be imprisoned in the Common Gaol for the City of Victoria for the period of one month, was granted.

Filed Nov 1878 Issued Nov 1878 Ret'd Nov 1878

No 543

S. M. Thompson,

Appellant

vs.

Treasurer & Ex-Officio Tax Collector of Graham County,

Appellee.

Appeal from Graham County.

Appellant's Brief filed by Hon. H. M. Bacon for Appellant and by Hon. Wm. E. Street for Appellee and the cause submitted.

Appellant's Brief filed Nov 1878 Issued Nov 1878 Ret'd Nov 1878

Abbott Street & Abbott Attorneys for Appellant.

Richard E. Thum

Fred. Dodson

Fletcher McDaw

Attorneys for Appellee.

[illegible]

No. 625

Nancy C. Anders et al.,
Appellant.

vs.

Simon Smith,
Appellee.

Mr. Jane Anders for Appellant
and Mr. H. E. Powers for Appellant
and Mr. M. Snell for Appellee and the Cause submitted.
On motion of counsel for Appellant leave
was granted until Monday February 1st 1858 to file
Abstract.

No 5907. Appellant vs. Daniel Brown, Appellee.

Appeal from Clay. C.C. Opinion of Court.

Daniel Brown,

Appellee.

This cause coming on for hearing was argued by Mr. J. F. Wilson for Appellant and by Mr. C. A. Power for Appellee and cause reversed and submitted. Mr. Justice Steel dissenting. dissented from the decision of this cause.

Opinion of Court — Steele, J.

Reversed.

[illegible] Supreme Court, 1878.

[illegible] Tuesday, January 29th, 1878.

[illegible] Present: The Hon. [illegible]

Present: The Hon. [illegible] Chief Justice.

" " [illegible] Justice.

" " [illegible] "

" " Richard E. Shaw, " "

[illegible] Sheriff.

[illegible] Clerk.

[illegible] Bailiff.

[illegible] Crier.

[illegible] Bailiff.

The following Business was transacted.

No 608 J. E. Yates, Appellant.

vs.

P. N. Fredericks, et al., Appellees

This cause coming on to be heard was argued by Mr J. H. Shuster, for Appellant and by Mr. J. C. Herndon for Appellees, and the cause reserved for decision.

[illegible] Appellant.

vs.

[illegible] Appellees.

[illegible]

Feb. 10th 1875 — Terry Downing, Appellant, vs. J. Co. Cable, Appellee.

Feb. 6th. — Appeal from Jones Circuit Court.

Judge Green being disqualified, did not sit in this cause, nor signed by Mr. P. H. Johnston for Appellant cause transferred and heard this 2 Nov. Term.

Feb 30. — Simon K. Newland, Appellant, vs. [illegible] Appellee.

On motion of Appellant cause dismissed at appellee's cost. Appeal from this decision of Appellee prayed.

Plaintiff,

vs.

Defendant.

Stipulation of settlement.

It is stipulated that this cause be dismissed without costs to either party.

Dated February 23rd 1895.

Hebster Street, Plaintiff's Attorney.
Peter C. Shaw, Defendant's "
Geo. W. Shaw, " "
Fletcher McAdam, " "

[illegible]

(Present, Hon Henry Blodgett Chief Justice.

" " George (?Davis) Associate "

" " Fletcher M. Dane " "

" " Richard E. Howe " "

Lloyd Johnston, Clerk.

E. G. Ellinwood, U.S. Attorney.

Wm McGriffith U.S. Marshal.

Fred. J. Prescott. Crier.

J. H. Porter Bailiff

The following business was transacted.

On motion of McJohn M. Hamilton, it is ordered that Frederick Johnson Rowe, who holds a certificate of admission to practice in the Supreme Court of the State of Illinois, be admitted to practice in this Court upon taking the usual oath and signing the roll of Attorneys.

[illegible]

(Present Hon Henry Blodgett Chief Justice.

[illegible]

[illegible]

[illegible]

Feby Term A.D. 1820 Error to the Court of Common Pleas of Bedford County

Action of Ejectment brought by the Plaintiff in Error against the Defendant in Error, and Issue thereon, on which the Cause was tried by a Jury at the Bedford April Term 1819, when a Verdict was found for the Defendant, subject to the Opinion of the Court thereon, if upon the whole Case as agreed by the Parties the Plaintiff was entitled to recover, and judgment was rendered accordingly. Whereupon the Plaintiff sued out this Writ of Error, and assigned for Error that the Court ought to have rendered Judgment for the Plaintiff upon the Case stated, and not for the Defendant.

J. F. Riggs, Plaintiff,
vs.
J. H. Hoenicaul, Jr. et ales. Defendants in Error.

} Opinion by Thompson, J. Chief Justice Marshall and Justices Duncan and Daniel concurring.

This Cause having been submitted by Counsel for the Plaintiff and Defendant, and the Record of the Proceedings, and the Case agreed by the Parties, having been fully considered, on the Opinion delivered by the Court, and the Question thereon being seperately stated, It is ordered that the Judgment of the District Court therein be reversed and annulled, and that the Plaintiff in Error recover against the Defendants in Error his Costs by him about his Suit in this behalf expended, and that he have Execution therefor.

Feby Sept 18

J. J. Dwyer, Appellant.
Appellant.

vs.

J. H. Howard, Jr. et al.,
Appellees

Appeal from the Court

No. 617.

Filed January Term Record

submitted on the Court's unrecorded, and this Court having considered the same, and being fully advised in the premises, do find that the judgment of the Court below in the case is hereby affirmed, and it is ordered and adjudged that the Appellees herein recover against the Appellants herein, their costs in this Court herein and Hereby Expended.

No. 638

Appellants,

vs.

Appellees

Appeal from

This cause coming on to be heard on the record and briefs of counsel, and it appearing to the Court that there is no error in the record of the Court below, it is therefore considered by the Court that the judgment of the Court below be affirmed.

February [illegible] 1881

[illegible] Appellant.

vs.

John Wade, Appellee.

Opinion by Moore, J.
Chief Justice, Street and Perrin
Justices Dean and Davis concurring.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises, it is ordered that the judgment of the District Court herein be and the same is hereby affirmed.

It is further ordered and adjudged that the Appellee herein do have and recover from the Appellant, Costs incurred herein in this Court herein, taxed at twenty ($20.00) dollars.

No. 123.

Charles Hueretta, Appellant.

vs.

Territory of Arizona, Respondent.

Opinion by Doan, J.
Chief Justice, Street and Special
Justices Dean and Davis concurring.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises, it is ordered that the judgment of the District Court herein be and the same is hereby affirmed.

Secretary of State,
Appellant,
No. 122. vs. } Per Curiam.
Secretary of State,
Respondent.

This cause having been submitted, and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises, It is ordered that the judgment of the District Court herein be and the same is hereby affirmed.

No. 126 Secretary of State,
Appellant.
vs. } Opinion by Stark, C. J.
Secretary of State,
Respondent. } Per Curiam.

This cause having been submitted, and by the Court taken under consideration, and

Sebastian [illegible],
Appellant
vs.
Charles F. [illegible],
Appellee.
} Opinion of Court.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises, it is ordered that the judgment of the District Court herein be and the same is hereby affirmed.

No. 78. John [illegible], et al.
Appellants
vs.
The United States of America,
Appellee.
} Error to Logan, J. Special Verdict and Case Reserved.

This cause having been heretofore submitted [illegible] and the Court having considered the same, and being fully advised in the premises, it is ordered [illegible] and the judgment of the [illegible] is hereby affirmed.

Feb. 28 '78

Feb 3/78

Plaintiffs' Attorneys

Plaintiffs in Error.

vs.

B. M. Freeman et als.

Defendants in Error.

Plaintiffs in Error's Abstract of Record.

This cause coming on to be heard upon the Transcript of the Record and Briefs of Counsel, and being argued by the Counsel for the respective parties, and the Court having considered the same, and being fully advised in the premises, do find that there is no error in the record and proceedings of said Court in this cause, and that the Defendants in Error B. M. Freeman, J. H. Hankins & Co. & Wm. Bissell, Co-partners as the Union Pacific Railroad Co. & the Kingsbury Land Co. & the Cincinnati Land Co. & the Kansas Land Co. & William M. Gillespie, R. E. Dean, et al. Judges of the Land Commissioners, &c. &c. &c.

[illegible] [illegible] [illegible] [

Feby 23 '98

No 602.

[illegible] Appellant,
vs.
L. H. Owens,
Appellee

Appeal from Lincoln County

Per Curiam Lincoln Per Curiam

Appellant submitted cause by Brief. Court taken under advisement and, the Court having considered the same and being fully advised in the premises, It is ordered that the judgment of the District Court herein be and the same is hereby reversed and the cause remanded to the same Court for a new trial. It is further ordered and adjudged that the Appellant herein do have and recover from the Appellee, L. H. Owens, its cost in this behalf herein, taxed at One hundred and twenty six and 90/100 ($126.90) Dollars.

No 127.

[illegible]
Appellant,
vs.
[illegible]
Appellee.

Appeal from [illegible]

[illegible]

[illegible] George Kluegel

vs. Appellant

[illegible]

vs.

Treasurer of Virginia,

Respondent.

Opinion by Daniel, J.

Chief Justice Stuart and Judges Moncure

Joynes Absent and Dissenting.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises, It is ordered that the judgment of the District Court herein be and the same is hereby reversed, the case discontinued, and the defendant be discharged.

[illegible]

[illegible] Appellant,

vs.

[illegible]

[illegible]

Respondent.

This cause [illegible]

On motion of Mr Joseph Campbell, it is ordered that Williams & Tibbetts, formerly a member of this Court, be and hereby is admitted to practice in this Court, upon taking the usual and required oath of attorneys.

Jesse C. Williams,
Appellant.

vs.

Joseph Williams, administrator
of the estate of Hannah Johnson,
deceased,
Appellee.

Appeal from Henry Circuit Court.

Upon motion of Mr Joseph Campbell, it is ordered that Williams & Tibbetts, formerly a member of this Court, be and hereby is admitted to practice in this Court, upon taking the usual and required oath of attorneys.

Whereas, Judge Nisi was adjourned from day to day in the 3rd day of October, 1877, and

Whereas, we recognized in him a type of erect manhood and a citizen loyal to the institutes of this Government, honorable and conscientious toward the encumbrances of the Civil; one who always listened with interest and respect to the counsels of others, and who in his short but active Judicial career scrupulously maintained the severe standard of professional, and by his broad minded views and upright character gained for himself a place in public esteem; Therefore,

Be it resolved that we members of the Bar of this Supreme Court fully bow in the sacred presence of

Death in the hour of victorious pursuit,
Death in the glory he won in the strife,
Death in the laurels won early in life,

Resolved that we grieve deeply and tenderly remember the wife and children of him who died at the height of life so suddenly snatched, and recommend them to the kind Father of the Fatherless.

Resolved, further, that the Bailiff be ordered upon the adjournment of this Court, and in obedience to the wishes of the deceased.

[illegible]

Feby 22nd 98

In the matter of the account of the Clerk of this Court for fees in the proceedings had in the probate matter, presented for allowance, the following order was made in open Court.

Whereas, Lloyd Johnston, Clerk of the Supreme Court of the Territory of Arizona, has presented to this Court, in the presence of Alfred Franklin, Assistant United States Attorney, an account for services rendered by him for attendance on the sessions of said Supreme Court on such days and that the services in said account charged for have been actually and necessarily rendered and performed as therein stated and it also appearing from the records of the Court that on the days hereinafter mentioned, to-wit,

January 10, 11, 12, 13, 14, 17, 18, 19, 20, 24, 25, 26, 27, 28, 31, February 1, 2, 3, 4, 7, 8, 9, 10, 23, in the year 1898, and for which services are charged in said account the Court was open for business and necessarily convened. Therein and whereas said account appears to be just and according to law, It is hereby ordered that the said account be allowed, and that there is due and owing to the said Claimant from the County of Pima the sum of $254.40.

Upon the above record and the filing of the affidavit of Franklin, the Assistant U. S. Attorney,

It is ordered that Pima County stand charged with the said sum of $254.40 in favor of the said Lloyd Johnston Clerk of the Supreme Court of the Territory of Arizona.

It is ordered that said sum be paid out of the General Fund of said County.

Dated this 15th day of April, 1898

of the Supreme Court of N. M.

Sebastis G. Grant — Chief Justice
Richard E. Laws — Associate "
" "
" "

William McKinley

President of the United States of America.

To all who shall see these Presents, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Sebastis G. Grant of Pecos County, I have nominated and by and with the advice and consent of the Senate, do appoint him Chief Justice of the Supreme Court of the Territory of Arizona and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the United States, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining unto him, the said Sebastis G. Grant for the term of four years, unless sooner removed by me or my successor.

In testimony whereof, I have caused these
Letters to be made Patent and the Seal of
the United States to be hereunto affixed.
Done at the City of Washington
this [illegible]

Oath of Office

United States of America,
Territory of Arizona } ss.

I, Hebbard Hunt, do solemnly swear that
to the best of my knowledge and ability, I will support and
defend the Constitution of the United States against all
enemies foreign and domestic; that I will bear true faith and
allegiance to the same; that I take this obligation freely, without
any mental reservation or purpose of evasion and that I will
well and faithfully discharge the duties of the office of Chief
Justice of the Supreme Court of the Territory of Arizona on
which I am about to enter, - So help me God.

Hebbard Hunt

Subscribed and sworn to before me this
fourteenth day of April A.D. one thousand
eight hundred and ninety one.

J. H. Cartwright
Justice of the Peace.

Sheriff's Office

No. 5761

C. H. Stewart et al.,
vs.
Effersen A.

Nov. 16. '28

vs.

Neill B. Field, (Receiver of the New Mexico Savings Bank and Trust Company, et al.,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises, it is ordered that the judgment of the District Court herein be and the same is hereby affirmed.

It is further ordered and adjudged that the appellees herein do have and recover of and from the appellants herein, J. S. Daggs; R. E. Daggs; Mrs R. B. Daggs; Martha Hemsworth; Geo. A. Hemsworth; R. V. Drum, S. S. Drum & David Babbitt as partners, and their sureties on their cost bond Geo. Babbitt and Chas. J. Babbitt, their costs in this Court taxed at $23.00 & their costs in the Court below taxed at $.....

No 5761

Luther Wilson,
Appellant.

vs.

Jacob B. Carey, et al.,
Appellee.

This cause having been heretofore submitted, & taken under consideration and the Court having considered the same, and being fully advised in the premises, it is ordered that the judgment of the District Court herein be and the same is hereby affirmed.

It is further ordered and adjudged that the appellees herein do have and recover of and from the appellants herein, the costs in this Court taxed at $23.00

No. 5913. Knabe v. Knabe;

Appellant.

Filed 16-'18

vs

O.L. Knabe et al,

Appellees.

Appeal from Lancaster District Court.

Submitted and decided in the Court Commissioners' Court.

Court having considered the same, and being fully advised in the premises, it is ordered that the judgment of the District Court herein be and the same is hereby affirmed; and appellant herein having, on appeal to this court, executed a bond in favor of the appellees O.L. Knabe and Thomas Brown, to pay the costs of the court below and the costs of this court, in case said judgment should be affirmed herein, which said bond is signed by J.A. Yon and H.H. Vanderbilt as sureties, certified copy of which now is filed in this court; and it appearing from the record in the court below that the costs of the court below are taxed and allowed against the appellant herein at the sum of $45.00, and the clerk of this court having taxed and allowed the costs of the appellees O.L. Knabe and Thomas Brown against the appellant herein at the sum of $30.60; It is therefore ordered and adjudged by this court, that the appellees O.L. Knabe and Thomas Brown do have and recover of the appellant, Lucetta J. Knabe and J.A. Yon and H.H. Vanderbildt, the sum of Seventy-five and 60/100 Dollars ($75.60), the amount of their costs and disbursements incurred in said cases, and that they have execution therefor.

No. 5914

Lucetta J. Knabe;

Appellant.

vs

Lucien Brown et al, executors etc. of Thomas Brown deceased.

Appellees.

Appeal from Lancaster District Court.

[illegible]

[illegible]

[illegible]

Between

Plaintiff in Error,

and

Defendant in Error.

This cause coming on to be heard upon the Transcript of the Record and Proceedings herein, and the same being examined by the Court, it is now here ordered, adjudged and decreed by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed.

It is further ordered and adjudged that the Defendant in Error herein, do have and recover of and from the Plaintiff in Error Thomas Tully as Principal, and Martin Costello and Geo. H. Fitts as Sureties on the Appeal Bond, his cost in this Court [illegible] and $49.00 together with cost in the Court below taxed [illegible]

[illegible]

[illegible]

[

No. 1910 — Plaintiff, Appellee, Cross-Appellant,
vs.
Defendant, Appellant, Cross-Appellee.

This cause having been heretofore submitted to the Court upon the record and briefs of counsel, and the Court having considered the same and being fully advised in the premises, finds that the judgment of this District Court should be reversed.

It is therefore ordered and adjudged that the appellee herein do have and recover of and from the appellant herein the sum of fifty and 60/100 (50.60) dollars;

No. 1911 — Plaintiff, Appellee,
vs.
Defendant, Appellant, Cross-Appellee.

This cause having been heretofore submitted to the Court upon the record and briefs of counsel, and the Court having considered the same and being fully advised in the premises, finds that the judgment of this District Court should be reversed.

Know ye that I [illegible] Hundred and [illegible]
[illegible]
[illegible]
[

No. [illegible] [illegible] et al.,
[illegible]
vs.
[illegible] et al.,
[illegible]

[illegible]

No. 1078 Phelps et al. Billings et al.,
Plaintiffs in error.
vs.
Billings et al.,
Defendants in error.

[illegible]

No. [illegible] [illegible] et al.,
[illegible]
vs.
[illegible],
[illegible]

[illegible]

Kirkcudbright.

Sir

I have the honour to inform you that I have received a letter from the Secretary of State for the Home Department, dated the 3rd instant, transmitting a Petition addressed to Her Majesty by Mr. Alexander Murray, Writer in Kirkcudbright, praying for a Commission of Lunacy to inquire into the state of mind of his brother Mr. John Murray, now confined in the Lunatic Asylum at Dumfries.

I am directed by Her Majesty's Principal Secretary of State for the Home Department to request that you will cause the necessary inquiry to be made into the case of the said John Murray, and that you will report to me for the information of Her Majesty's Principal Secretary of State, whether you think it proper that a Commission of Lunacy should issue for the purpose of inquiring into the state of mind of the said John Murray.

I am, Sir,
Your most obedient
humble Servant,
(Signed) [illegible]

To
The Sheriff of the Stewartry
of Kirkcudbright.

Sheriff Clerk's Office
Kirkcudbright
6th March 1857

Sir

I have the honour to acknowledge the receipt of your letter of

Supreme Court of the United States,

October Term

No. 13. 15.

Isaac Degnan, Plaintiff,
Ex-Officio Tax-Collector of Graham County,
Appellee.

This cause having been heard on the record and by the Court been considered, and the Court being fully advised in the premises, and being fully advised in the premises, and it appearing that the judgment of the District Court in this cause should be affirmed.

and Mr. Justice Meredith, Mr. Justice Maclaren,

and Mr. Justice Osler.

Between

David Tisdall, George Tisdall, Charles Tisdall, William Tisdall, and Benjamin H. Cheneaux and Thomas Hodgman, Executors, etc., Defendants,

and

Thomas Tisdall, Plaintiff,

and

Thomas Tisdall, Defendant.

Mr. Justice Osler.

Upon hearing the appeals herein, do have and recover of and from the appellants herein David Tisdall, George Tisdall, Charles Tisdall, William Tisdall, and Benjamin H. Cheneaux and Thomas Hodgman, Executors, etc., the sum of twenty-four dollars ($24.00)

and

Thomas Tisdall, Plaintiff,

and

Thomas Tisdall, Defendant.

Mr. Justice Osler.

It is further ordered & adjudged that

[illegible] vs. [illegible]

No. 568.

vs.

J. G. Campbell

Appellee

} In this cause it is ordered that the Motion for rehearing filed herein by Appellant be and the same is hereby denied.

The Consolidated Coal Company (a corporation) Appellant

No. 595.

vs.

The Mecca Coal Company, (a corporation) Appellee.

} It is considered that the motion for rehearing filed herein by Appellant be and the same is hereby denied.

[illegible]

No. [illegible]

vs.

[illegible]

} [illegible]

Sch. 1-1908 E. E. Parker et al.,
Appellants
No. 610. vs.
George H. Scheuerman
Appellee.

In this cause it is ordered that the Motion for re-hearing filed herein by Appellants be and the same is hereby denied.

H. B. Scott,
Appellant.
No. 618. vs.
C. E. Hartley, et al,
Appellees.

In this cause it is ordered that the Motion for re-hearing filed herein by Appellant be and the same is hereby denied.

A. A. Jones, et al,
Appellants
No. 621. vs.
Jessee M. Ware,
Appellee.

In this cause it is ordered that the Motion for re-hearing filed herein by Appellants be and the same is hereby denied.

the District

Finished

Clause 1 should be modified by eliminating from the heading
A thereof, the first sentence, reading "that said Henry Downing
and defendants R. and J. Scott do have the first right to the
use and enjoyment of the water flowing in the said creek
during the irrigating season", and by eliminating from
the heading C. of the said judgment, the last sentence
reading "that neither plaintiff Henry Downing nor defendants
R. and J. Scott shall have priority of right to the use of water
of said Silver Lead creek as above provided, but that they are
entitled to prorate the flow of said stream in the above
proportion in case of scarcity or failure in the flow thereof,
so that each plaintiff shall get respectively 57 and 37 miners
inches," and by eliminating from section D. of said
judgment the last sentence containing the words "if at any
time, said Porter shall show the Court that he is in need of
water and that plaintiff and said R. and J. Scott are
getting more water under this decree than is required
for their crops, then he may apply to this Court or this
judge thereof as herein provided for all necessary relief."
The judgment is therefore reversed and the case re-
manded and the Judge of the District Court directed to
modify the judgment as herein indicated, and to enter
judgment in the case as thus modified.

Feb. 1. 98. A. & A. R. Railroad, A. B. Driggs,
A. B. Driggs and H. A. Driggs,
Plaintiffs in Error.

No. 631 vs.

James Wilson
Defendant in Error.

In this cause Mr. A. J. Driggs, attorney for Plaintiffs in Error, in open Court gave notice of appeal from the judgment of this Court to the Supreme Court of the United States, and moved the Court that it fix the amount of the Cost Bond on Appeal herein in the sum of One Thousand dollars and that the Clerk of this Court is hereby requested to retain the Transcript in said cause in his custody for twenty days: Whereupon it was so ordered and the appeal allowed.

The Consolidated Canal Company
Petitioner, Appellant.

No. 695. vs.

The Union Canal Company, Respondent,
Appellee.

In this cause Mr. C. C.
Dimmett, attorney for Appellant in open Court moved
for an order fixing the penalty on the Cost Bond on
Appeal herein, and requesting the Clerk to retain
the Transcript of the Record herein for the

Lewis [illegible] Lee [illegible],
Appellee,
No. 667 vs.
Henry H. Schaefer,
Appellee.

Appeal from Superior Court of Cook County.

Opinion filed [illegible]

Mr. [illegible] delivered the opinion of the court.

Appellee, Lewis [illegible] Lee, filed his bill in the Superior Court of Cook County against appellant, Henry H. Schaefer, to foreclose a mechanic's lien for [illegible] dollars and [illegible] cents, alleged to be due him for [illegible] and materials furnished in the erection of a [illegible] building on lot [illegible] in [illegible]'s subdivision of [illegible] in Cook County, Illinois. The bill alleges that [illegible] contracted with appellant to erect the building for [illegible] dollars; that he performed the work and furnished the materials, and that appellant has paid him only [illegible] dollars, leaving a balance due of [illegible] dollars and [illegible] cents, for which he claims a lien. Appellant answered, admitting the contract and the amount paid, but denying that any balance is due. He alleges that the work was defective and that he was compelled to employ other workmen to complete and repair it, at a cost of [illegible] dollars, which he is entitled to deduct from the contract price. He also filed a cross-bill setting up the same matters and praying a decree for the amount so expended.

[illegible] replied to the cross-bill, denying the allegations of defective workmanship and stating that the extra work was done at appellant's request and under a verbal agreement to pay for it at a reasonable rate.

[illegible] the cause was referred to a master in chancery to take proofs and report his conclusions of law and fact. The master heard the evidence and reported that [illegible] had substantially performed his contract, that the extra work was done under the verbal agreement alleged, and that the reasonable value of the extra work was [illegible] dollars. He found that the defects in the work amounted to [illegible] dollars, and recommended a decree for [illegible] dollars and [illegible] cents in favor of [illegible], with costs.

[illegible] the court overruled appellant's exceptions to the master's report, confirmed it, and entered a decree in accordance therewith. Appellant has appealed to this court and assigns [illegible] errors.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Littleton,
[illegible] Appellant,
No. 130 -vs-
Secretary of Navy,
Respondent.

It is ordered that the hearing of this cause be set for January 18th, 1899, and the motion of Attorney General it is ordered that Mr. E. H. Edwards be substituted as associate counsel for Respondent.

[illegible] Wilson,
[illegible] Appellant,
No. 131 -vs-
Secretary of War,
Respondent.

It is ordered that the hearing of this cause be set [illegible] and the motion of Attorney General it is ordered that Mr. E. H. Edwards be substituted as associate counsel for Respondent.

Filed Nov 28 1899

Queen Petroleum Co et al
vs
Jeffries County et al

Petition.

Now comes the defendants, attorneys for defendants in the above entitled cause to file Transcript of Record in said cause, and this ordered that the hearing of this cause be set for next regular term, January 1900.

Filed Nov 28 1899

[illegible]
vs
[illegible]

[illegible]

Now comes the defendants, attorneys for defendants in the above entitled cause to file Transcript of Record in said cause, and this ordered that the hearing of this cause be set for next regular term, January 1900.

June 10th 1899. Left for Lucerne 19th 1899

[illegible] Frank Veith [illegible] Heron,
Plaintiff
vs.
Marcius Heron
Appellee

No. 662. } Appeal ordered dismissed upon Appellee's motion for want of prosecution
January 13th 1899.

Chr. Lindberg,
Plaintiff
vs.
No. 663. } D. M. Berry, Assignee, &c. Respt.
and Marcius Heron,
Appellees.
Appeal ordered dismissed upon Appellee's motion for want of prosecution
February 1st 1899.

Joseph L. Hixson,
Plaintiff
vs.
No. 664. } George H. Hathaway;
Appellee.
Appeal ordered dismissed upon Appellee's motion for want of prosecution
[illegible]

Jan. 10th 1899.

It is ordered that the hearing of this cause be set for February 2nd 1899.

C. C. Jewell,

Appellant,

No. 664 v

vs

Mrs Emma Hatcher and her husband N. H. Hatcher,

Appellees

It is ordered that the hearing of this cause be set for February 1st 1899.

The Providence Gold Mining Company,

Appellant

No. 676. v

vs

Dennis A. Burke,

Appellee.

It is ordered that the hearing of this cause be set for February 3rd 1899.

Mary Caplin Brooks,

Appellant

No 677 v

-vs-

S. C. Sanders,

Appellee.

It is ordered that this cause be set for oral argument January 31st 1899.

Yours very truly,

Wm. Wells & Co.

Per Geo. Wells, Pres.

Attest: Geo. Wells, Jr., Sec.

Dear Sirs: We have received your favor of the 15th inst. and in reply would say that we have not yet had time to examine the matter fully, but will do so at once and will write you further in a few days.

Yours very truly,

Wells & Co.

Per Geo. Wells, Pres.

Dear Sirs: We have received your favor of the 15th inst. and in reply would say that we have not yet had time to examine the matter fully, but will do so at once and will write you further in a few days.

Yours very truly,

Wells & Co.

Per Geo. Wells, Pres.

Dear Sirs: We have received your favor of the 15th inst. and in reply would say that we have not yet had time to examine the matter fully, but will do so at once and will write you further in a few days.

Yours very truly,

Wells & Co.

Per Geo. Wells, Pres.

[illegible]

vs.

[illegible]

vs.

[illegible]

vs.

[illegible]

Jan. 3 --

Territory of Oregon } Supreme Court
Territory of Oregon } January Term
Court opened and was called over.
Present: Hon. Thos. Nelson, Chief Justice.
" " Richard Stratton Associate "
" " Obadiah Bonham " "
Lloyd Porter, Clerk.
P. C. Marcellus, U.S. Attorney.
U.S. Marshal, by J.W. Parker Deputy.
M. M. Gillenwater, Court Crier.
No. Moorehead, Bailiff.
The following Journal was read & approved.

Nelson & Wife et al.
vs.
Caulfield's.

Case docketed & filed.

Attorney for Appellants.

Case docketed & filed, proclamation for Defendant & default of Pleading.

Peters & Wife
vs.
Applegate

Jan. 24th 1911

No. 662

Lewis Lodi et. Ceres,
Appellant,
vs
Harriet Lewis,
Appellee.

This cause coming on for hearing was argued by C. H. Wright for Appellant and by Jones & Lovell for Appellee, and cause ordered submitted.

No. 129.

Lewis Lodi,
Appellant
vs
Territory of Oregon,
Respondent.

This cause coming on for hearing, was ordered submitted on Motion to affirm Judgment of Lower Court

It is further ordered that the Appellant herein pay Respondent herein costs and disbursements of this appeal to be taxed.

It is ordered that this cause be and the same is hereby remanded to the Circuit Court for Umatilla County, Oregon, for further proceedings.

By Order of the Supreme Court.

Melvin M. Deady
Clerk.

Supreme Court. } Tuesday, 9th June, 1903.
Sessions of Oyer and Terminer. } Before Mr. Justice Osler.

Court opened at nine o'clock a.m.

Present: The Hon. Sir Wm. Mulock, Knt., Chief Justice.
" " Richard T. Glass, Esquire, Senior Justice.
" " Edmund B. Osler, " "

Chief Justice's Clerk.
G. E. Harcourt: Associate.
H. A. Reeve, K.C., Deputy.
W. H. Chittenden, Court Crier.
O. Hodgson, Bailiff.

The following business was transacted.

Regina v. Driscoll et al.,
Appellant

vs.

Victor Fisher and Mills Co. et al.,
Respondents.

This action was tried before Meredith, J., without a jury at the Fall Assizes, 1902.

Vancouver Circuit } November 6th, 1899.
Territory of Yukon } Dawson, Monday, Nov. 6th, 1899.
Court adjourned 9:30 o'clock A.M.

Present: His Honour, Mr. Justice Craig, Chief Justice.
" " Richard T. Stacey, Barrister "
" " Geo. R. Dawis " "
Lloyd Johnston, Clerk.
H. A. Attorney.
J. W. Griffith, H. A. Marshal.
M. S. Patterson, Crier.
D. Woodward Bailiff.

The following Decision was transmitted.

In the matter of Tom D. Bennett, Asst. H.M. Attorney, leave was asked to file Stipulations in the case of Waited & Slater of Klondike vs. The Yukon Quartz Consolidated Mining Company, a corporation, and to have leave to file the Record in their removed away from Skerring City to Dawson.

George Williamson,
Plaintiff
vs.
Counter Claim Dismissed.
Defendant.

Plaintiff's Counsel moves for Judgment, Defendant's Counsel to be heard against Judgment being entered.

Case No. 624 vs. J. F. Thompson, Appellant, -vs- Bernell Gibbons, Treasurer and Ex-Officio Sheriff of Garfield County, Oklahoma, Appellee.

This cause coming on for hearing now regularly by the Court, Counsel for Appellant and by Messrs. Lovell & Lovell, Counsel for Appellee, and cause ordered submitted.

No. 626. J. B. Thompson, Appellant, vs. Bernell Gibbons, Treasurer and Ex-Officio Sheriff of Garfield Co. Oklahoma, Appellee.

This cause coming on for hearing, now regularly by the Court, Counsel for Appellant and by Messrs. Lovell & Lovell, Counsel for Appellee, and the cause ordered submitted.

In the above and foregoing cause and each cause consolidated therewith the [illegible] Plaintiff in Error [illegible] Defendant in Error [illegible]

[illegible]

[illegible]

vs.

[illegible]

Defendants in Error.

[illegible]

[illegible]

vs.

[illegible]

Defendants in Error.

[illegible]

[illegible]

Het is verbaal door den Raad vastgesteld
Vrijdag, den 19de 19[illegible] 1909 ten vier uren.

Burgemeester Schuit
Richard E. Thomas
Wethouder
Wethouder
Wethouder
Wethouder
Wethouder
Secretaris

The motion of Mr. C. H. Cooper: Admission of Mr. Walter Little McClung, upon motion & certificate of admission to practice in the Supreme Court of the State of California, be admitted to practice in this Court upon taking the usual oath and signing the Roll of Attorneys.

Santa Fe, Prescott & Phoenix Railway Co, a corporation,

Appellant.

No. 644

-vs-

F. X. Gill,

Appellee.

Upon motion of Mr. C. H. Cooper, counsel for appellant, it is ordered that the appellant herein be allowed to file supplemental transcript herein.

The Santa Fe, Prescott & Phoenix Railway Company, a corporation, being duly sworn, deposes and says that

No. 644

-vs-

F. X. Gill,

Appellee.

Upon motion of Mr. C. H. Cooper, counsel for appellant, it is ordered that the appellant herein be allowed to file certified copies of

mr. 19th '94 The Northwestern Mutual Insurance Co.,
(Pltf.) Petitioner
No. 4,750 vs.
C. H. Freeman, Ex. Counsel of S. H. Hoskins
Executrix and Original Central Bank and
Other Banks,
(Defts.) Respondents.

On motion of E. E. Elwood, it is ordered that he be granted permission to file Motion for return of Records, and Motion permitted.

J. Catlett and A. and D. Atkinson,
(Pltf.) Petitioners,
No. 4,817 vs.
Central Nebraska Nat'l Bk. Catlett,
Executrix and Executor of D. Catlett,
Deceased & (Defts.)
(Defts.) Respondents.

On motion of Mr. Pierson, attorney for petitioners, leave granted to withdraw the record filed herein on the 19th inst.

The Court below considered the case and dismissed the bill, and the Complainants appealed to this Court.

No. 630

Thomas E. Mitchell, et al.,
Appellants
vs.
Fabon Pipes and Wm. Cornog et al.,
Appellees.

This cause came on to be heard on the transcript of record from the Court below, and was argued by counsel. On consideration whereof, it is now here ordered and decreed by this Court that the decree of the said Court below in this cause be and the same is hereby affirmed with costs.

And it is further ordered and adjudged that the Appellees do have and recover of and from the Appellants Thomas E. Mitchell, William Christy and Lloyd B. Christy, the penalties on the appeal bond, their costs incurred in the Court below, taxed at $ ..... and their costs in this Court expended, to wit, ($ 10.00) dollars.

Lec. refer'ing to reader unsatisfactory certain Court's Decree in
case and directing Jurors, assigned to the Province, &c. in case
that said Martin be and the same is hereby vacated.

The Provincial Gold Mining Company,
Appellant

P.C. 679. vs.

Alex Perry Lang, et al,
Appellees.

The Motion of Appellees to dismiss, filed herein,
having been heretofore presented and by the Court taken
under consideration and the Court having considered the
same and being duly advised in the premises, it is
ordered that said Motion be and the same is hereby
overruled.

Mr. Justice [illegible]
delivered the opinion of the Court

[illegible]

all things affirmed. And further ordered, adjudged and decreed that the appellee do have and recover of and from the appellant, M. Rosenberg, and William Melczer and Charles Goldman as sureties on the appeal bond, the sum of seven hundred ($700.00) dollars, with interest thereon from the 15th day of September 1898, until paid, together with its costs and disbursements incurred in the Court below, taxed at the amount of twenty-two and 15/100 ($22.15) dollars, and its costs in this Court, taxed at Ten ($10.00) dollars.

No. 6841

By the Court, Per Curiam.

Decided January 18th, 1899.

No. 6313.

The Secretary,

Office of the Assistant Treasurer,

New York, January 14th 1865.

Sir:

I have the honor to inform you that the Office-Seeking Company, of Virginia, and recently chartered by the Anglo-American Emigrant Company, registered and the American Steamship Company of New York, are engaged in shipping Emigrants from this port to Europe, and have entered in this Office Twenty-five and 50/100 (25.50) dollars.

Very Respectfully,

Your Obedient Servant,

thirteen and 90/100 ($ 13.90) dollars.

[illegible] American Express Company [illegible] American Express Company [illegible] American Express Company [

Supreme Court.

In Error

Samuel Wilson and Sarah Wilson, Executors
of the last Will & Testament of Robert Wilson deceased
Plaintiffs

vs.

Samuel Wilson and Sarah Wilson, Executors
of the last Will & Testament of Robert Wilson deceased
Defendants

This cause coming on for hearing, was argued by Mr.
Thomas Bennett counsel for Plaintiffs in Error and by
ordered accordingly until this term.

Whereon was taken by the Court until next term.

And now (this Court coming not further advised,
Doctor Hall Rector Archer Stuart Chief Justice
" " Randolph Tucker "
" " Lee (P.D.) " "
" " Fulton M. Scott "
and the Court
And the Proceedings aforesaid are
C. C. Clarke and Adam D. Adams
Appellants

vs.

Samuel Wilson et al.,
Appellees

Whereupon it is considered by this Court that the Judgment
aforesaid be reversed and annulled and that the Plaintiffs
in Error recover against the Defendants in Error

No. 1849 The Middlesex National Bank
Appellant,
vs.
No. 1850 "
C. R. Freeman & al.,
Appellees.

The Complaint for an order from this Court to Levee Mandatis returned from Lower Court filed herein, having been withdrawn and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby granted.

It is ordered that this Court stand adjourned until Friday Dec. 20th 1899 at 9:30 o'clock A.M.

Webster Street Chief Justice
Richard E. Thorn Associate "
Stephen M Reese " "
Fr. D. Allen " "

March 1899

No. 651

Clinton E. Dixon, et al.
Appellants.
vs.
John Lambert, et al.,
Appellees

This cause coming on for hearing, and the motion of S. E. Wilson, attorney for appellees to have said cause set for hearing at this term be heard and this day at 9:30 o'clock A. M., on Motion of A. C. Herndon one of the counsel for appellees and by consent of counsel at the beginning of this cause, as now agreed to by counsel on both sides.

It is ordered that this Court stand adjourned until Friday, January 27th 1899 at 9:30 o'clock A. M..

Wilson Stark Chief Justice.
Reuben E. Dixon Associate "
Alexander M. Dixon " "
Ed. F. Adams " "

. ogle 99 Cleveland & Akron et al:

Appellants

. 651 "

"

John Loeffler et al.

Appellees

This cause having reached the docket, and regularly reviewed, reported and reviewed by Mr. Wilson on behalf of appellees

The Court not otherwise advised of having entered into order ordered that this cause be confirmed on the Saturday morning at 9:30 o'clock

This cause coming on to be heard on motion of appellees and upon which the Court announced its decision

Webster Stearns Chief Justice.
Richard E. Adams Associate "
Fletcher M. Adams " "
[illegible] " "

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Supreme Court, } Session at Tucson, 1899.
Territory of Arizona. } Begun & held Monday Jan. 30th A.D. 1899.

Court opened at 9:30 o'clock A.M.

Present: Hon Joseph Kibbey Chief Justice.
" " Geo. R. Davis, Associate "
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
Lloyd Johnston, Clerk.
U.S. Attorney.
U.S. Marshal.
M.H. Calderwood Crier.
D. Woodward Bailiff.

The following business was transacted.

Lorin Betts
Appellant.
vs.
Territory of Arizona.
Respondent.

It is ordered that this cause be set for hearing Feby 3rd

No. 135 vs

George H.N. Lochner
Appellant
vs
Geo. H. Hancock et al.,
Appellees.

This cause coming on for hearing upon motion to dismiss

Decm 25th 94

No. 672.

Jenkins Construction Co.,
Appellant
vs.
Alexander Monteith,
Appellee.

This cause coming on for hearing, argument was heard by Judge Tibbey counsel for Appellant and by Mr Ainsworth counsel for Appellee and argument closed by Judge Baker counsel for Appellant, and cause ordered submitted.

No. 673

J. H. Hood,
Appellant
vs.
Frederick Baltz, et al
Appellees.

The petition to dismiss appeal, filed herein, is ordered overruled

No. 674

Everett Ayres
Appellant
vs.
[illegible]
Appellees.

[illegible]

It was ordered that this Court stand adjourned until this afternoon at 2:30 o'clock P. M.

Malcolm Stitt (Chief Constable.)
Richard E. Adams (Coroner) "
Hugh McAdam " "
Geo. F. Ross " "

Supreme Court. } January 4th, 1899.
Territory of Yukon. } Dawson, January 31st A.D. 1899.
Court opened at 9:30 o'clock a.m.

Present: His Honor Richard E. Dodge, Commissioner Presiding.
" " Geo. P. Davis " "
" " Fletcher M. Dowe " "
Lloyd Johnston Clerk
F. C. Wilson Attorney.
H. J. Marshall.
H. H. Cleveland Crier.
D. Woodward Bailiff.
The following Jurors were empanelled.

[illegible]

appeal came on (being first reserved in the Supreme) this day to be heard
Chas. Savil Esq. for appellant and the whole of the case
is hereby dismissed. It is further ordered, adjudged and decreed
that the appellees do have and recover of and from the appellant
J. M. Hard as principal and Charles Goldsmith and James Bark
as sureties on appeal bond their costs in this behalf expended &
four and 50/100 ($4.50) dollars and their costs in the Supreme
Court to be taxed &c - - -

Mary A. Huff,
Appellant.

vs. 566 Appeal.

J. C. Mahoney,
Appellee.

This cause coming on for hearing was argued by
Mr. Bennett for appellant and Mr. Hiscock
for appellees and cause ordered submitted.

Joseph A. Hunter
Appellant

vs. Appeal.

W. C. Mahoney,
Appellee.

This cause coming on for hearing was argued by
counsel for the appellant and appellee and
submitted to the Court for their decision
upon the record and briefs of counsel
filed herein.

[illegible] Northern Securities Company, a corporation,
et al., Executors of J. S. Walker, deceased,
Appellants,

No. 668. vs.

C. H. Kirby,
Appellee. } It is ordered that the motion for continuance filed herein be submitted.

Maricopa County,
Appellant

No 677. vs.

F. C. Jordan,
Appellee. } This cause coming on for hearing was ordered submitted on briefs.

Joseph Woodworth,
Appellant

No. 183. vs.

Pauline J. Wagoner,
Respondent. } This cause coming on for hearing on motion of appellee for an order that the bond on appeal herein be approved for sufficiency.

Cum. 21st '79

No. 682.

Silvis H. Chesbro

Appellant

vs.

O'Connell v. Edward M. Kinnerstab et al.

Appellees.

This cause coming on for hearing was argued by Mr Willis counsel for Appellant and Mr Kinnaworthy, counsel for Appellee and cause ordered submitted.

No. 180.

L. F. Hart,

Appellant

vs.

Henry J. Bergeson,

Respondent

It is ordered that the motion to affirm heretofore filed herein be submitted.

It is ordered that this Court stand adjourned to meet on Feb 15th 1879 at 9:30 o'clock A.M.

Chester Sloan Chief Justice.

Concur E. Ellis Associate

Mitchell Moore

Ed Bowen

Supreme Court } January Term 1899.
Territory of Oregon. } Thursday Morning July 1st A.D. 1899.
Court opened at 9:30 o'clock A.M.

Present: His Honor, Richard E. Sloan Presiding Justice Presiding.
" " Geo. H. Davis " "
" " Fletcher M. Dean " "
Lloyd Johnston Clerk.
U.S. Attorney
U.S. Marshal.
W.H. Calderwood Crier
D. Woodward Bailiff.

The following business was transacted.

The Klondale Fruit Co.
Appellant.

No. 681. vs

C.F. Hirst,
Appellee.

It is ordered that the hearing of this cause be set for Feb. 2nd 1899.

Josiah Anderson,
Appellant

No. 135. vs.

Territory of Oregon,
Respondent.

This cause coming on for hearing, and counsel for both parties being present in open court, and it appearing that the record herein has been lost and cannot be found, it is ordered that

Feby 1st 1899

No. 663.

W. F. Thompson,
Appellant

vs.

D. M. Ferry, Simeon J. Murphy and Chas. C. Bowers,
Appellees.

This cause coming on for hearing was argued by Mr Morrison, counsel for appellant and Mr Johnston, counsel for Appellee and cause ordered submitted.

No. 664

C. A. Jewett,
Appellant

vs

Wm Edmund Hatcher et al.,
Appellees.

This cause coming on for hearing, was ordered submitted on brief.

No. 642

Charles Seeger, et al.,
Plaintiffs in Error.

vs.

F. E. Du Bois
Defendant in Error.

This cause coming on for hearing, was argued by counsel and submitted on briefs.

Melchi Martin
Geo Wade

Supreme Court. } January 4th 1899.
Territory of Oregon. } Portland, Thursday February 2nd 1899.

Court opened at 9:30 o'clock A. M.

Present, His Honor, Hebeler Strout, Chief Justice.
" " Geo. R. Davis Associate "
" " Fletcher M. Dunn " "
" " Richard E. Sloan " "
Lloyd Johnston, Clerk.
U. S. Attorney.
U. S. Marshal
M. H. Calderwood, Crier
D. Woodward Bailiff.

The following Lawyers were then called.

L. F. Scott
Appellant

No. 130 vs

Territory of Oregon;
Respondent.

The question to officers of Judgement, filed [illegible] having been heretofore presented, and for the Court having considered the same and the Court having considered the same and being fully advised in the premises; It is ordered that said Judgement of the Lower Court be and the same is hereby affirmed.

Solomon Hirschfeld
Appellant

No. [illegible]

[illegible]
Respondent

The question to officers of

Feby 22nd 1897

herein, having been heretofore submitted, and by the Court taken under consideration and the Court having duly considered the same and being fully advised in the premises, it is ordered that said motion be granted and the judgment of the lower court herein be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from Wm. M. Billups, the appellant herein and A.J. Driggs and P.E. Driggs, sureties on Supersedeas Bond their costs in this court taxed at Twenty-four ^and 25/100 {$24.25} Dollars, and their costs in the court below in this cause incurred and have execution therefor.

Charles Geiger et al.,

Plaintiffs in Error.

vs

No. 692. v

H. L. McLorenz,

Defendant in Error.

The motion of Defendant in Error to affirm the judgment of the lower court having been heretofore submitted and by the Court taken under consideration and the Court having duly considered the same and being fully advised in the premises, it is ordered that said motion be granted, and the judgment of the lower court be and the same is hereby affirmed. It is further ordered, adjudged and decreed that H.L. McLorenz Defendant in Error do have and recover of and from Charles Geiger, Edward Geiger and W.M. Billups Plaintiffs in Error and A. Hafer and W.H. George sureties on the Supersedeas bond herein their costs herein expended and have execution therefor.

The Texas Pacific Railway Co.

Appellant

vs

No. 693. v

The Atlantic Pacific Despatch Co.

Appellee

The motion to dismiss, heretofore submitted and by the

Judgment for Plaintiff for $ 1000 and costs entered and Writ of Error
waived. Bail discharged. Judgment satisfied.

The Hartford Banking Co, a corporation,
vs
E. E. Walker, Assignee of the Hartford Banking Co,
Plaintiff

No. 668 -"5-

C. H. Terry

Defendant.

Plaintiff's motion for judgment on the special verdict
and the verdict in favor of plaintiff coming on to be heard, and the plaintiff
having appeared by his attorneys and the defendant having failed to file
his brief, and the plaintiff having waived argument by his attorneys in
open court, it is ordered that judgment be entered for the plaintiff
for the sum of $1000 damages and costs of suit.

[illegible]
vs
[illegible]
Defendant.

2 April 1894.

No. 129.

James Slade,

Appellant,

vs.

Territory of Arizona,

Respondent.

The question of Respondent to affirm the Judgment of the lower court, having been submitted and by the Court taken under consideration and the Court having fully considered the same and being fully advised in the premises; It is ordered that said Judgment be affirmed and the Judgment of the lower court be and the same is hereby affirmed.

Per curiam of Mr Justice Sloan.

This action was brought in the District Court of Yavapai County to recover damages for personal injuries alleged to have been received by plaintiff while in the employ of defendant, a corporation, and caused by the negligence of defendant's agents and employees in the operation of a railroad.

James Slade,

Appellant,

vs.

Territory of Arizona,

Respondent.

Appeal from the District Court of the Fourth Judicial District of the Territory of Arizona, in and for the County of Yavapai.

Submitted

and decided June term thereafter to file opinion.

No. 680. C. C. Victoria.

Appellant

vs.

J. G. Fleming, P. E. Tomlinson and Providence Gold Mining Co.

Appellees.

This cause coming on for hearing was argued by Mr. Rose, counsel for Appellant and by Mr. Stocker, counsel for Appellee and cause ordered submitted. Appellees were granted until Monday Feby 6th to file briefs and Appellant five days thereafter to file reply.

No. 681. The Glendale Fruit Co.

Appellant

vs.

C. C. Grist

Appellee

This cause coming on for hearing was argued by Mr. Arrowsmith counsel for Appellant and by Mr. Rivenburgh for appellee and cause ordered submitted.

The Providence Gold Mining Co.

Appellant

No. [illegible] vs.

The Nevada Gold,

Appellee.

[illegible]

Feby 3rd 1899.

It is ordered that the Court stand adjourned until
Friday Feb. 3rd 1899 at 9:30 o'clock A.M.

Hebster Taft. Chief Justice.
Richard E. Sloan Associate "
Fletcher M. Doan " "
Ed. Turner " "

Supreme Court } January Term 1899.
Meeting of stockmen } Record, Friday Feb 3rd A.D. 1899.
Court opened at 9:30 o'clock A.M.

Present, Hon Hosea, Hebster Taft Chief Justice.
" " Richard E. Sloan Associate Justice.
" " Fletcher M. Doan " "
Lionel A. Keeler, Clerk.
Asst Attorney.
Asst Sheriff.
Dr. Wm. Critchlow Crier.
[illegible] Critchlow
[illegible] Deputy Sheriff
[illegible]
[illegible]
[illegible]

Feby 3rd 1899.

No. 1381.

Joseph Robertson,
Appellant
vs.
Territory of Arizona,
Respondent

This cause coming on for hearing and Judge Davis being called home on account of sickness in his family and Judge Doan having been the trial Judge in the Court below, it was ordered that this cause be set for hearing Feby 10th 1899.

No. 1381.

Robert Means,
Appellant
vs.
Territory of Arizona,
Respondent

This cause coming on for hearing and it was agreed by the Counsel, Mr Sanford for Appellant and Mr Ellinwood for Respondent, to argue the case before the two Judges, Street and Doan, and cause was ordered submitted

No. 1385

John Betts,
Appellant
vs.
Territory of Arizona,
Respondent

Plea in abatement filed also demurrer to petition and writ

Feby 3rd 1899 Def. in ordered that the usual stamp entered under

Ensley, Feby. 10th 1899 at 9:30 o'clock A.M.

Before Court Chief Justice.

(Present Associate "

" " "

" " "

Supreme Court, } Monday Nov 20, 1899.

Special Session } (Noon, Ensley Sept 20th 1899.

Court opened at 9:30 o'clock A.M.

(Present: Hon Thomas Peebles, Chief Justice.

" " (Present: Hon. Alonzo Horton, Associate "

" " Hon. W. Downer " "

" " Hebert M. Deane " "

Thomas Jefferson, Clerk.

Hal Hargrave,

H.M. Merrill, Deputy Sheriff.

W.H. Littlepage, Court Crier.

No. Attorney Present.

(The Following proceedings were had:

(

(

(

Feby 20th 1900 The Secretary, it is ordered that said petition be granted and the judgment of the lower court be and the same is hereby affirmed.

The Providence Gold Mining Company
Appellant

No. 679. vs.

Alex Thompson, et al,
Appellees.

By agreement of counsel in said cause the order granting the dismissal of appeal is hereby set aside and cause ordered reinstated and appellant granted leave to file Original Papers from lower court, and the appellees granted 10 days to file their briefs, and the appellant 5 days thereafter to file reply brief.

Humboldt County
Appellant

vs.

No. 680. Charles H. Allen and George H. Nielsen,
Appellees.

On this cause, it is ordered that the appellant have 20 days to file brief and the appellees same time to file theirs.

Parish 198.

The Provincial Grand Master for Kent &c. &c. &c.

Appellant;

No. 676.

vs.

Dennis O'Burke.

Respondent.

This cause coming on for hearing, was argued by Mr. Stokes, counsel for Appellant and Mr. Warriner counsel for Respondent and cause ordered submitted, next day Appellant have 5 days to file Brief and Respondent have 5 days thereafter to file reply Brief.

Parish Dickens;

Appellant;

No. 134.

vs.

Trustees of Tagore;

Respondent.

This cause coming on for hearing was argued by Mr. Forbes, counsel for Appellant and Mr. Greene counsel for Respondent and cause ordered submitted &c.

Stokes & Moore

Supreme Court } Vancouver Terra. 12th 1899.
Territory of Yukon. } Dawson, Saturday February 11th 1899.
Court opened at 9:30 o'clock A.M.

Present: His Honor, Webster Street, Chief Justice.
" " Hon. C. P. Davis, Associate "
" " Fletcher M. Doran " "
" " Richard E. Sloan " "
Lloyd Johnston, Clerk
U.S. Attorney.
U.S. Marshal by Deputy Perrin
W. H. Calderwood Crier.
D. Woodward Bailiff.

The following proceedings were transacted.

It is ordered that this court stand certificated until
Monday, March 13th 1899 at 10 o'clock A.M.

Webster Street Chief Justice.
Richard E. Sloan Associate "
Fletcher M. Doran " "
C. P. Davis " "

Supreme Court
Territory of Arizona } January Term, A.D. 1901.
Phoenix, Monday, March 4th 1901.

Court opened at 10 o'clock A.M.

Present: Hon Hosea McBride Sloan, Chief Justice.
" " Geo. R. Davis, Associate Justice.
" " Fletcher M. Doan. " "
" " Richard E. Sloan " "
Lloyd Johnston, Clerk.
U.S. Attorney.
U.S. Marshal by Thomas Kirkendall
M. H. Calderwood. Court Crier
D. Woodward. Bailiff.

The following business was transacted.

The Santa Fe, Prescott, & Phoenix
Railway Co.
Appellant

vs.

No. 501 ✓

Charles Hunter
Appellee

In this cause it appearing that a Mandate of the Supreme Court of the United States affirming the judgment of this Court, has been filed in the office of the Clerk of this Court. It is ordered that a mandate issue to issued in due course to the District Court.

No. 135. The Concord Mine Mining Company, a corporation, Hiram C. Fitch, George W. Harrington, Reuben Wilkinson, James M. Taylor and W. F. Vandeveer,

Appellants,

vs.

The District Court of the Fourth Judicial District of the Territory of Arizona, sitting in and for the County of Yavapai; The Honorable Richard E. Sloan, an associate Justice of the Supreme Court of the Territory of Arizona, the presiding judge of said District Court, and Drew F. Glaes,

Respondents.

On motion of Mr Sanford, it was ordered that the Application for Writ of Prohibition be submitted.

No. 136. James Scott, Jesse Sanford and Louis Wilmanns,

Appellants,

vs.

Territory of Arizona,

Respondent.

On motion of Mr Sanford, it was ordered that Leave to file Motion for Reporters Transcript in this case, of the proceedings had in the trial Court.

Appellant

vs.

M.K. McCord, Charles K. Ulrich and George W. Vickers,

Appellees

In this cause it is ordered that the motion to dismiss the appeal be submitted.

Appellant

vs.

Appellees

In this cause it is ordered that the motion to dismiss the appeal be submitted.

No. 684.

In re Proceedings,

Appellant

vs.

The Pacific National Fire Insurance Co

Respondent.

On the case it is ordered that the petition for rehearing be submitted.

It is ordered that this Court stand adjourned until Tuesday, March 21st 1899 at 9:30 o'clock A.M.

Robert Sloss Presiding Judge

Attest: S. Chas. Jones Deputy Clerk

In Probate Court. } January Term A.D. 1899.
Territory of Arizona: } Prescott, Wednesday March 15th, 1899.

Court opened at 9:30 o'clock A.M.

Present: His Honor Webster Street, Chief Justice.
" Geo. R Davis, Associate Justice.
" Fletcher M. Doan " "
" Richard E. Sloan " "
Lloyd Johnston, Clerk
U.S. Attorney.
U.S. Marshal by Thomas Grindell.
M.M. Calderwood Crier.
D. Woodward, Bailiff.

The following business was transacted.

On motion of Mr C.M. Frazier, it was ordered that Mr James Loy, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona, in and for Coconino County, be admitted to practice in this Court, upon signing the Roll of Attorneys and taking the usual oath.

Dixie B. [illegible],

Appellant,

No 682. vs.

C'Connell and Edward M. Skinner formerly co-partners, doing business under the firm name and style of O'Connell & Skinner, and G. A. Hammerell,

Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court therein be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein, do have and recover of and from the Appellant, herein, Dixie B. Green, and The United States Fidelity & Guaranty Company, sureties on Appeal Bond, their costs in this Court taxed at sixteen ($16.00) dollars and their costs in the court below taxed at $

Appeal from Circuit Court, Clinton County.
Submitted Oct. 15. Decided Nov. 15, 1887.
Appeal from the Circuit Court of Clinton County; the Hon. Alexander Starkweather, Judge presiding.
Appeal from the Circuit Court of Clinton County; the Hon. Alexander Starkweather, Judge presiding.

Old Dominion Copper Mining and Smelting Company,
Plaintiff in Error,
vs.
Alexander Adams,
Defendant in Error.

Error to the Circuit Court of Clinton County; the Hon. Alexander Starkweather, Judge presiding.

Mr. Justice Mulkey delivered the opinion of the Court:

This is a writ of error sued out by the Old Dominion Copper Mining and Smelting Company, plaintiff in error, to reverse a judgment rendered against it in favor of Alexander Adams, defendant in error, in the Circuit Court of Clinton County.

The case was tried by the court without a jury, and by the consent of the parties the court took the case under consideration, and the court thereupon found the issues joined for the plaintiff, and assessed the amount of damages sustained by it at $300. Motions were made by the defendant for a new trial and in arrest of judgment, which motions were overruled by the court, and the defendant excepted. The motion for a new trial was then renewed, and overruled by the court, and the defendant excepted. The motion in arrest of judgment was also overruled by the court, and the defendant excepted. The motion for a new trial was then renewed, and overruled by the court, and the defendant excepted. The motion in arrest of judgment was also overruled by the court, and the defendant excepted.

The defendant in error, plaintiff below, filed a declaration in case against the plaintiff in error, defendant below, containing the common counts, and a special count, the substance of which is, that the defendant, on the 1st day of January, 1885, at the county of Clinton, and State of Illinois, was the owner of a certain tract of land in said county, described as the south half of the southeast quarter of section 24, in township 2 north, of range 1 west of the third principal meridian, containing eighty acres, more or less;

the Court taken under consideration, and the Court being now fully advised in the premises, it is ordered that said motion be granted

Norton Marshall,
Appellant,
vs.
City of Omaha,
Appellee.

In this cause coming on to be heard upon the transcript of the record from the Supreme Court of the United States, affirming the judgment of this Court, and the same being filed in the office of the Clerk of this Court, and motion of Mr. Joseph Campbell it is hereby ordered that a mandate issue in this cause to the said Circuit

[illegible]

[illegible] Appellant

-vs-

The Travis Federal Heat Engineering Co. Appellee.

In this cause it is ordered that the motion for re-hearing, filed herein, by appellant, be and the same is hereby denied.

[illegible] Appellant

-vs-

[illegible] Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises; it is ordered that the judgment of the District Court be and the same is hereby affirmed.

[illegible]

[illegible] rendered in cause, and there being no error in the record,

It is ordered that the judgment of the District Court in the cause be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein W. C. Perkins and Nat E. Hawke, do have and recover of and from the Appellant herein, and Martin Castelli and Geo. H. Fitts sureties on Appeal bond, their costs in this court, taxed at thirty-one and 30/100 ($31.30) dollars and their costs in the Court below, taxed at $- - - - - - - - .

No. 643 ✓

Edwin Egan and Rafael Vasquez,
Plaintiffs in Error.

vs.

Santa Rita Land and Cattle Co et al.
(Melis Estrada)
Defendants in Error.

On this cause, it is ordered that the motion to [illegible] herein, by Defendants in Error to [illegible] the same is hereby overruled.

[illegible]

No. [illegible] Clerk's Office.

Juan Soto, Juan Gamino, and
Xavier Valenzuela,

Appellants,

vs.

No. 136 ✓

Territory of Arizona,

Respondent.

In this cause, it is ordered that the motion filed herein by Appellants, for permission to file Reporter's Transcript, be and the same is hereby denied.

William B. Fitch,

Appellant,

vs.

No. 132 ✓

Territory of Arizona,

Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, it is ordered that judgment and order of the lower Court be and the same is hereby reversed and the cause remanded for a new trial.

The Western Investment Banking Company
a corporation,
Appellant.

No. 638. ✓

vs.

D. L. Murray Treasurer and Ex-officio
Tax Collector of Maricopa County, Territory
of Arizona.
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the Court below be and the same is hereby affirmed.

It is further ordered, adjudged & decreed that the Appellee herein do have and recover of and from the Appellant herein, the Western Investment Banking Company, and Geo. R. Kay and Edward Eisele the sureties on appeal bond, its costs in this court taxed at twenty-four and 50/100 ($24.50) dollars, and its costs in the Court below taxed at $.....

The National Bank of Arizona,
Appellant

vs.

D. L. Murray Treasurer & Ex-officio
Tax Collector of Maricopa County,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the Court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee

Mch 5th 1907. Hereon to have and recover of and from the Appellant herein the National Bank of Chicago, and Charles Feldman and E. Hays the sureties on Appeal Bond, the amount of judgment in this cause and his costs in this court taxed at nineteen (19.60) dollars and his costs in the Circuit Court taxed at $.

Rezat City Bank, a corporation,
Appellant

vs.

D. E. Brooks, Treasurer and ex-officio
Tax-Collector of Marion County,
Appellee.

Appeal from Circuit Court of Marion County.

This cause coming on to be heard upon the transcript of the record and briefs of counsel and it appearing to the Court that the appellant has failed to file assignments of error as required by the rules of this Court, it is ordered that the appeal herein be and the same is hereby dismissed at the cost of appellant and it is ordered that the Clerk of this Court tax and certify the costs of this appeal.

Appellee

[illegible] Court [illegible] and the Court [illegible] came and being fully advised in the premises it is ordered that the judgment of the Court below be and the same is hereby affirmed. It is further ordered, required and decreed that the Appellee herein, do have and recover of and from the Appellant herein, the Farmers and Mercantile Bank, and W. J. Kingsbury and M. Nash, the sureties in appeal bond, the amount of judgment in this cause and the costs in the Court below taxed at $ [illegible] and the costs in this Court taxed at eighteen and 90/100 ($18.90) dollars.

[illegible]

[illegible]

The City of Fresno, a Municipal Corporation, [illegible] Plaintiff, [illegible] of the Peace, [illegible] Defendant.

[illegible]

[illegible]

[illegible]

Mel[illegible] [illegible] Schelter, Administratrix of the Estate of Alexander Langston, deceased.

Appellant

vs.

The Knickerbocker Life Insurance Company of New York

Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be and the same is hereby affirmed. It is further ordered, adjudged and decreed that the Appellee herein, the Knickerbocker Life Insurance Company of New York, recover of and from the Appellant herein, Edward [illegible] Schelter, Administrator of the Estate of Alexander Langston, deceased, its costs in this cause taxed at ninety cents ($.90), and its costs in the Court below taxed at [illegible]

James K. Thomson,

Appellant

No. 661. vs.

Ed. Thomson,

Appellee.

After oral hearing Leave heretofore submitted, and the Court taken under consideration, and the Court having considered the cause and being fully advised in the premises; It is ordered that the judgment of the third Municipal Court of Cook County aforesaid in this cause be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein Ed. Thomson do have and recover of and from the Appellant James K. Thomson his costs in this behalf expended and that he have execution therefor; and the said Appellant James K. Thomson in this court having given security for costs and prosecuted this appeal, and the costs incurred in the court below taxed at $---

[illegible] Appellant

vs.

James A. Fleming and J. M. Ford, Respondents.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from the appellant herein, Chas. Kinney, and W. F. Parker, and Chicago Building, Loan and Investment Co., the costs in their behalf incurred and taxed at eighteen and 90/100 ($18.90) dollars and that execute issue therefor.

William A. Hall, Attorney for Appellant

Thomas Sewall, Chas. Kinney, Attorneys for the Chicago Building Loan and Investment Co.

Appeal to Circuit Court of Appeals from Judgment in favor William H. Hale, Receiver of the American Surety Co. vs. Loan Association et al, Principal, Baron M. Jacobs and Simon M. Jacobs, as sureties on Appeal Bond, their costs in this Court taxed at twenty-eight ($28.00) dollars and their costs in the Court below taxed at $- - - -

[illegible]

vs.

[illegible]

[illegible]

This cause coming to be heard on motion to dismiss the appeal herein and the Court having fully considered the same and the premises, does find that the Plaintiffs in Error, Edwin Egan and Robert Neary, who are sureties, are entitled to the Privilege in the rule of the Circuit Court in the Tenth Circuit, as declared in the original conclusion in the case, to recover in this action the amount of the bond in the penal sum of Eighty-four hundred ($8400) dollars, and that the right of the said Egan, Neary & Brady to recover of said Defendant in Error, Hale, Receiver, of the amount of said bond by directing the same shall be subject to the right of the Plaintiff [illegible]

[illegible]

[illegible]

[

Feb 15th 1909.

when there is sufficient water in the river so that the
will leave flowing in the river and that can be diverted by
the Plaintiffs in Error to their land as described, an amount
sufficient to irrigate as prayed, the land of Plaintiffs in Error
in the complaint described.

And it is further ordered, adjudged and decreed that
Defendant, Estrada, pay the costs of this suit in this Court
taxed at Eighty-three and 25/100 ($83.25) dollars
and also costs of the District Court, taxed at
and the District Court is hereby ordered
and directed to issue an injunction perpetually enjoining the
said Estrada according to the terms of this decree and according
to the findings thereof, and also according to the findings and
determinations of this Court as stated in the opinion of
the Court this day filed.

The Same Same,
Plaintiff
vs.
Defendants in Error
Plaintiffs in Error
Defendants.

(Bail, as required in sufficient bond filed in this Court fixed at Eight and 70/100 ($8.70) dollars, Legal Tender Notes and paid in the Court House fixed at $---

John Pringle et al
vs
Private Secretary,

No. 618. ✓ 75.

Appellants,

Appeal from Pinal,

Appellee.

This cause coming on to be heard upon the transcript of the record from the District Court of the Fourth Judicial District in and for the County of Pinal, and upon the motion of Counsel for the appellee to dismiss the appeal herein, and upon the argument of Counsel for the respective parties hereto, and due consideration thereof by the Court, it is ordered, adjudged and decreed that John G. Hall, appellee herein, do have and recover of and from John Pringle and Robert Pringle, appellants herein and J.N. Ellison, Philip Outs, H.C. Hitchcock, Alfred Kinney, F.A. Pascoe, Alonzo Bailey, J.H.O. Hunt, Charles Holzman, William Rolling, C.E. Taylor, M.F. McNally and W.H. Sawyer, sureties on Supersedeas Bond, the sum of Nine Thousand two hundred and thirty-seven and 55/100 ($9237.55) Dollars, the amount of the judgment in the District Court, with interest at the rate of seven per cent per annum from the date of said judgment, until paid, together with his costs in this court taxed at twenty-nine ($29.00) Dollars. Each of said sureties being bound in the sum set opposite his name; J.N. Ellison $4000.00; Philip Outs $2000.00, H.C. Hitchcock $2000.00, F.A. Pascoe $2000.00, Alonzo Bailey $2000.00; Alfred Kinney $1000.00, J.H.O. Hunt $1000.00 Charles Holzman $1000.00, William Rolling $1000.00, C.E. Taylor $1000.00, M.F. McNally $1000.00, W.H. Sawyer $1000.00

and by the

Rob Wilson ... [illegible] ... considered the case, and Ordered ... [illegible] ... [illegible] ... Court ... [illegible] ... Clerk ... [illegible] ... dismissed.

A. S. Dagg and D. A. Thomas, Assignees of the Bank of Tampa, a certain Plaintiff in Error,

vs.

Thompson Fletcher, [illegible], Defendants in Error.

This cause coming on to be heard upon the Transcript of the Record and Briefs of Counsel, and argued by Counsel for the respective parties, and it appearing to the Court that there is no error in the record and proceedings in this cause, and that the Court below committed no error in rendering the judgment complained of, it is considered that the judgment of the said Court below in this cause be and the same is hereby affirmed.

Feneral Verein der Farmer,

Appellant,

No. 662. vs.

Narciso Herrera,

Appellee.

This cause having been regularly reached and the Court having considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from the appellant herein, Teresa Jordan de Herrera, and Anthony Herrera and Carlota Salazar sureties on Appeal Bond, his costs in this Court, taxed at thirty and 80/100 ($30.80) dollars and his costs in the Court below taxed at $-------.

Appellant,

No. 663. vs.

Appellee.

This cause coming on to be heard upon the transcript of the record from the District Court of Webb County, Texas, and being considered by the Court, it is ordered that the judgment of the District Court be and the same is hereby affirmed.

Court of Chancery and the Vice Chancellor's

Mary E. Lewis,

Appellee.

The cause having been theretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises; It is ordered that the decree of the Court below be and the same is hereby affirmed. (Vice Chancellor Bates dissenting) And it is further ordered, adjudged and decreed that the Administratrix, Mary E. Lewis, do have and recover of and from the Appellant W. H. Halliday and J. G. Keating and J. H. Hopkins sureties on Appeal Bond, Ten cents and their costs taxed at Twelve dollars ($12.00) dollars, and Ten cents the costs below taxed, &c.

On reading the petition, dated [illegible] and on motion that the defendants herein show cause, on the 21st day of June 1899, why the Writ of Prohibition prayed for should not issue.

No. 668.

vs.

Where it appeared that this cause is submitted on

Briefs.

A recess was taken until 2 o'clock P.M.

On which P.M. Court re-convened after recess

Present: Hon. Henry Hooker, Presiding Chief Justice,

" " Pardon Letts, Associate "

" " Seymour Minor " "

" " Richard D. Hubbard " "

and the Clerk.

Whereupon the following order was entered

by the Court in the premises.

Tuesday of January, [illegible] the first Monday in April, the first Monday in May, the first Monday of June, and the second Monday of December, at Prescott, in the fourth judicial district, on the first Monday of June, and the first Monday of November.

Done in open court, this 15th day of March A.D. 1870.

Wm. F. Turner
Richard E. Sloan,
Edwin W. Dunn
Geo. R. Davis.
Justices of the Supreme Court.

Attest: Wm. F. Turner
Secretary.

Ordered that an adjourned term of the District Court be held at the City of Prescott, commencing on Monday the fourteenth day of March next; as provided by Section 1934 of the Revised Statutes of the United States.

Done in open court this fifteenth day of March, A.D. 1870.

Attest: Wm. F. Turner
Secretary.

Wm. F. Turner
Geo. R. Davis,
Justices.

Northern District of Georgia } January Term A.D. 1879.
Session of Augusta } Tuesday, Commenced, March 18th 1879.

Court opened at 9:30 o'clock A.M.

Present: Hon. Henry Bleckley, Chief Justice.
" " Geo. P. Davis, Associate Justice.
" " Hiram M. Dean, " "
" " Richard E. Shaw, " "

Lloyd Johnston, Clerk,
U.S. Attorney,
U.S. Marshal by Thomas Grindell, Deputy.
M. H. Calderwood Crier.
D. Woodward Bailiff.

The following business was transacted.

A. L. Line et al.,
Plaintiffs in Error

vs. 75.

Samuel Weiss,
Defendant in Error.

This cause coming on to be heard upon the "Statement of facts", "certified transcript of the record and the proceedings and decree in the cause" and the same were examined by the Court in open session and ordered filed, and upon the same being considered, it is: Ordered that the

F. E. Yontes, et al,
Appellants.

No. 579. vs.

John Duke et al,
Appellees.

This cause now coming on to be heard in the Supreme Court of the United States, having been settled and dismissed by stipulation of Counsel and by Mandate from the United States Supreme Court, It is ordered that a Mandate be issued to the Clerk of the District Court of Pima County, forthwith.

F. E. Yontes et al.,
Appellants.

No. 610. vs.

Jacob Schneider,
Appellee.

[illegible]

- Plaintiff,

No. 67.

vs.

Grace M. Schumacher,

- Defendant.

This cause having been submitted, and come upon the pleadings and affidavits and argument having been had, and it appearing to the Court that the motion for a new trial should be overruled, and the cause remanded with directions to the District Court of Lincoln County to proceed with the judgment rendered in said Court.

In the matter of the account of [illegible] Clerk of the District Court for the [illegible] Judicial District of Nebraska, for the quarter ending March 31st, 1894, and the payment of fees collected by said Clerk during said quarter.

Thomas [illegible], Clerk of the District Court [illegible] Judicial District of Nebraska, [illegible]

Mr. ordered that mittimus issue & that defendant be fined
& sentenced in the sum of Two Hundred and seventy seven
($277.00) dollars

Done in open court this 16th day of March 1899, at
Phoenix, Arizona.

Herbert Stout, Chief Justice.
Richard E. Sloan Associate "
Fletcher M. Doan " "
Geo. R. Daniel " "

Mr. ordered that this Court, stand adjourned until
Thursday June 15th 1899, at 9:30 o'clock A. M.

Herbert Stout Chief Justice.
Richard E. Sloan Associate Justice.
Fletcher M. Doan " "
Geo. R. Daniel " "

In the Supreme Court of the State of Oregon,

Appellant,

vs.

No. 6475

In the District Court of the Seventh Judicial District of the State of Oregon, sitting in and for the County of Grant, the Honorable Richard Eakin, one of Associate Justices of the Supreme Court of the State of Oregon, the presiding Judge of said District Court, and Ernest Chase,

Respondents.

The petition of Mr. Hendricks, of more particularly shows the Court of Grant County, Oregon,

[illegible]

No. 6475

[illegible]

[illegible]

[illegible]

the proceedings of the Supreme Court of the United States and
as appears in the Mandate, suggested the death of Elizabeth C.
Voorhies, and moved that George Albright, Wesley Albright and
William Magruson be substituted as executors of the last Will
and Testament of said deceased, be substituted for that of
deceased and he also moved for a writ of Mandamus as prayed
for in the petition directed to the Loan Commissioners of
Arizona, the Court ordered said motion submitted and further
ordered that the hearing of said motion be set for June 2nd
at 10 o'clock A.M. on oral argument.

It is ordered that this court stand adjourned until
to-morrow June 2nd at 10 o'clock A.M.

Sebastian Kent Chief Justice
Fletcher M Doan Associate Justice
Geo. A. Davis " "

" "

Supreme Court } November Term, A.D. 1893.
Territory of Arizona } Prescott, Yavapai, June 2nd 1893.
Court convened at 10 o'clock A.M.
Present: Hon. Sebastian Kent, Chief Justice.
" " George A. Davis, Associate Justice.
" " Fletcher M. Doan " "
" " Wells Spicer, Clerk.
" " Wm. H. Lamoreaux, Sheriff.

Jones 2nd opp. Ruling the record out.

A. L. Jones

Plaintiff in Error

No. 654 ✓ vs

The Phoenix National Bank,

Defendant in Error.

In this cause it is ordered that the motion for re-hearing filed herein by Defendant in Error, be and the same is hereby denied.

James Reilly,

Plaintiff in Error,

No. 655 ✓ vs.

The Phoenix National Bank,

Defendant in Error.

It is ordered that the motion for re-hearing filed herein by Plaintiff in Error be and the same is hereby denied.

New City Circuit.

Appellant,

No 6744 v

vs.

D. C. Murray, Treasurer and Ex-officio
Tax Collector of Municipal Township,

Appellee.

In this cause it is ordered that the Petition for rehearing, filed herein by Appellant, be and the same is hereby overruled.

Farmers and Merchants Bank

Appellant

No 6745 v

vs.

D. C. Murray, Treasurer and Ex-officio
Tax Collector of Municipal County

Appellee.

In this cause it is ordered that the Petition for rehearing, filed herein by Appellant, be and the same is hereby overruled.

[illegible]

No. 694. ✓

No. 695. ✓

No. 696. ✓

Jessee

Pa. 6.26.

J. H. Hemphill,
Appellant

vs.

Frank Wyatt, Treasurer and
Kitchen Wright Sheriff, of
Lancaster County,
Appellees.

This cause coming on to be heard before Reppert and Landis, Judges of the Court below, and the Court having considered the pleas and hence further ordered that the judgment of the District Court be, and the same is hereby affirmed

[illegible] by the Court below as aforesaid, be [illegible] of the appellees aforesaid, and being [illegible] of the appellees; It is ordered that the judgment of the said Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein, do have and recover of and from the Appellants herein, C. A. Stephens, A. V. Rosetta and W. S. Read; and that A. Hoff and Jessie H. Rosetta sureties on appeal bond, the amount of judgment in this cause, and her costs in the Court below, taxed at $ _____ and her costs in this Court taxed at twelve and 50/100 ($12.50) dollars.

Granted L. Rich;

Affd. Mch. 28

Stephens et al. Specific Performance,

Affirmed.

This cause coming on to be heard upon the transcript of the record from the District Court of Pima County, and the same being fully argued on the briefs of counsel for the respective parties; It is ordered that the judgment of the said District Court be, and the same is hereby affirmed, with costs and disbursements of this appeal to the appellees, and that the mandate issue to the said District Court [illegible]

[illegible]

vs.

Richard Bennett, Defendant
and Albert Steinfeld, Intervenor,
Appellees

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises; It is ordered that the judgement of the District Court be and the same is hereby affirmed.

It is further ordered adjudged and decreed that the Appellees herein, do have and recover of and from the Appellant herein, Henry Menager, and George Dannenfeld and Sabine Otero, sureties on the Appeal Bond, their costs in this Court taxed at nine and 90/100 ($9.90) dollars, and their costs in the Court below, taxed at $- - - - - - - - - .

[illegible]

vs.

[illegible]

(Appeal from Superior Court, Fairfield County.) (1900)

Action to recover the amount of a promissory note. Facts found and judgment for plaintiff, and appeal by defendant.

No. 668

The Hartford Banking Company, a corporation, and J. E. Walker, Assignee of the Hartford Banking Company,

Appellants

vs.

C. H. Leavy

Appellee!

Error in law having been heretofore assigned and by the Court duly considered, and the Court having overruled the same, and thereupon duly rendered its judgment in favor of the plaintiff, it is adjudged that the judgment of the Superior Court be affirmed.

In this action, adjudged and decreed that the defendant recover of and from the plaintiff herein, J. E. Walker, as receiver of the Hartford Banking Company, and the Hartford Banking Company, [illegible] plaintiff in error [illegible] Walker, and the costs in the Superior Court.

[illegible] heretofore submitted and

The motion of appellee to dismiss, filed herein, having been heretofore submitted and by the court taken under consideration, and the court having considered the same, and being fully advised in the premises; It is ordered that said motion be and the same is hereby sustained.

Everett Spicer,

Appellant

No. 670. vs.

Lumen Bean and the Lumen Bean Transportation Company, a corporation,

Appellee.

The motion of appellee to dismiss, filed herein, having been heretofore submitted and by the court taken under consideration, and the court having considered the same, and being fully advised in the premises; It is ordered that said motion be and the same is hereby sustained.

No. 6 71

H. J. Dagget, and Wm. Lewis Company

vs.

John H. Bolton and J. C. Bonham,

Appellees.

Appellants,

vs.

John H. Bolton and J. C. Bonham,

Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having sufficiently advised, and being fully advised in the premises; It is ordered that the Court below modify its judgment in two particulars, viz:

"First: The Court found that there was due Mary Bonham, the successor in interest of John H. Bolton, the sum of $, and that said attorney fee of Ten per cent upon said amount was a reasonable attorney fee, and gave judgment for the amount found due together with said attorney's fee, and declared said fee to be a lien upon the property described in the petition, and ordered the sheriff to sell the property described in the petition, and apply the proceeds of the sale thereof to the payment of said judgment, and in default of the payment of said judgment, execution should issue for the sale of said property, and the proceeds of the sale thereof to be applied

[illegible] (Plaintiff) with the [illegible] (Defendant) [illegible] (Plaintiff) [illegible] (Defendant) the sum of $300.00 with interest thereon from the 23rd day of November, 1894, until paid at the rate of one and one-half per-cent per month, and the further sum of $206.05 with interest thereon from said 23rd day of November 1894, at the rate of seven per cent per annum until paid."

[illegible]

[illegible]

[illegible]

at One thousand five hundred eighty-one and 50/100 Dollars, and the costs taxed at Seventy-seven and 50/100 ($77.50) Dollars!

The Sheriff of Jackson County, Missouri,
& Garnishee,

vs.

No. 6347. ✓

C. A. Long, City Assessor and Tax Collector of the City of Kansas, Municipal County, Territory of Missouri,

Defendant.

Now on this day this cause coming on to be heard upon the motion of the Garnishee to dismiss and quash the writ of garnishment issued herein, and the Court having heard the arguments of counsel for the respective parties and being fully advised in the premises doth sustain said motion to dismiss and quash said writ of garnishment, and the costs of this proceeding are adjudged against the plaintiff. It is therefore ordered, adjudged and decreed that the Garnishee herein, the Western Union Telegraph Company, do have and recover of and from the Defendant herein, C. A. Long, Assessor and Collector of the City of Kansas, Missouri, the costs of this proceeding, to be taxed by the Clerk of this Court at the sum of $4.00 dollars and that execution issue therefor.

And now on this day comes the plaintiff herein and

[illegible]

[illegible]

[illegible]

No. 6647. ✓

[illegible]

[illegible]

[illegible]

[illegible]

No. 539.

vs.

[illegible]

Defendant in Error.

On this cause it appearing that a Mandate of the Supreme Court of the United States remanding the judgment of this Court in this cause, and appealed from, has been filed in the office of the Clerk of this Court, wherefore, Plaintiff in Error prays that said Mandate be forthwith; and that the Mandate of this Court be directed to the Court below, ordering the execution of said Judgment of said Supreme Court of the United States; whereupon it is ordered that a Mandate be issued for this cause to the said Court.

No. 546.

vs.

[illegible]

Petitioners,

[illegible]

Respondents.

[illegible]

January 1st

Court convened pursuant to recess.

Present: Hon. Hiram Hitchcock, Chief Justice.

" Lin. R. Dorsey, Associate "

" " Richard E. Sloan " "

" " Fletcher M. Doan " "

And the Clerk.

James L. Hetherington et al.,
Petitioners

No. 5516. ✓

vs.

B. F. Fauntleroy et al.,
Respondents.

On this cause, the petitioners for mandate herein moved to dismiss their appeal herein to the Supreme Court of the United States, which motion was granted by the Chief Justice, and ordered entered.

On this cause coming on to be heard upon the motion of the petitioners for mandate herein, it is ordered that a mandate issue in favor of the petitioners herein.

[illegible]

The Hermitage Mining & Milling Co.
Plaintiff in Error,

No. 5787 V vs.

[illegible]
Defendant in Error,

[illegible]

[illegible]

[illegible]

Supreme Court of the United States, on the 20th day of February 1899, the said Supreme Court of the United States reversed the said judgment of this Court, and rendered judgment thereon and therein against the Defendant in Error for the sum of $165.25, for cost of appeal, and that said judgment be reversed as the same was rendered in favor of Defendant in Error as aforesaid.

And, on the 30th day of May 1899, Plaintiff in Error filed in this Court the said mandate of the said Supreme Court of the United States, together with its motion for the judgment of reversal of the said judgment of the said Court below, and for judgment for said sum of $165.25 cost as rendered by the said Supreme Court of the United States.

And the Court being of the opinion that the same should be done; It is therefore ordered, adjudged and decreed by this Court that the judgment in this said cause be reversed, and that judgment be, and the same is hereby rendered in favor of Plaintiff in Error, the American Mutual & Milling Company against the Defendant in Error, Isaac [illegible] for the sum of $165.25 to [illegible]

June 2nd 1899. Whereas Lloyd Jaberdin, clerk of the district Court of the Territory of Arizona, has rendered to this Court an account of his official services from the first day of April 1899, to the thirtieth day of June, 1899, with the items thereof, in the presence of the United States District Attorney, and has, by his oath, attached to the account proved to the satisfaction of the Court that the services charged have been actually and necessarily performed as therein stated; and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to twenty one and 70/100 ($21.70) dollars be, and the same is hereby, approved.

It is hereby certified that upon each day for which a fee or fees is charged in this account the Court was opened for business and the Judges present and presiding.

June 2nd, 1899.

Hebden Street,
Chief Justice Supreme Court
Territory of Arizona.

P E Dagge et al.,
Plaintiffs in Error.
vs.
No. 632. J
Phoenix National Bank a corporation,
Defendant in Error.

[illegible]

On motion of Hon. Lucius Hubbard, Attorney
General, it is ordered that a writ of error be granted
to the plaintiffs in the above entitled cause, upon
filing a bond in the sum of Two Hundred
Dollars, with Hon. H. Barnes and Hon. L. C. Hubbard
as sureties, conditioned according to law.

On motion of Hon. P. E. Mannion, the
Court orders that the defendant be permitted to
file exceptions to the plaintiff's petition herein
instanter, and that the cause be set for hearing
on the exceptions on the 15th day of October,
1888, at 10 o'clock A. M.

On motion of Hon. P. E. Mannion, the
Court orders that the defendant be permitted to
file exceptions to the plaintiff's petition herein
instanter, and that the cause be set for hearing
on the exceptions on the 15th day of October,
1888, at 10 o'clock A. M.

[illegible]

In the Supreme Court }
Territory of Virginia. } ss.

Be it remembered, that on the [illegible] day of [illegible] in the year of our Lord [illegible] before the Clerk of the Supreme Court of the Territory of Virginia, at the Court-House in the City of Richmond, [illegible] and [illegible] by the Court, and [illegible] the following, to wit:

Done this 23rd day of October, 1847.

Edmund Jennings.

In the Supreme Court }
Territory of Virginia. } ss.

I, [illegible], Clerk of the Supreme Court of the Territory of Virginia, do certify that the foregoing [illegible] is a true copy from the record of the proceedings of the said Court in the case therein mentioned.

[illegible]

[illegible]

[illegible]

Present: [illegible]

[illegible]

Present: The Hon. Chief Justice
" " Hon. C. P. Davies Associate Justice
" " Hector McLean " "
" " Richard Chisholm " "
Lloyd Johnston Clerk of Courts.
Miss M. Campbell Ass't Clerk of Courts.
H. S. Attorney.
M. H. Cattermouth Crier.
Messrs Macfarlane Bailiffs.

The Petitioners appearing and presenting.

The Petition of Wm. D. Barnett. this day presented
and Petitioner & Enquiry and Order nisi as certified for
the District Court of the Third Judicial District
Petitioner and Petitioner praying the
Court to appoint Commissioners to enquire

[illegible] Court of the Tenth Judicial District of Virginia. He requested to practice in the Circuit Courts upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr. W.J. Fitzpatrick, it was ordered that Mr. C.W. Jones who holds a certificate from the District Court of the Third Judicial District of Virginia be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr. Jesse Wilkins, it was ordered that Mr. [illegible] who holds a certificate from the Supreme Court of the State of Virginia be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

[illegible]

[illegible] by the Attorney General, it

Edwards — ordered that leave to withdraw the plea, file the brief within 30 days, and if no brief filed, that the plea be stricken out and judgment be entered as confessed.

No. 138.

Esteban Rodriguez
Appellant
vs.
Territory of Arizona
Appellee

Mr. Barnes, Attorney for appellant, moves the court for an order dismissing the appeal herein, for the reason that appellant has failed to file his brief herein.

Mr. Barnes, Attorney for appellant, moves the court for an order dismissing the appeal herein, for the reason that appellant has failed to file his brief herein.

[illegible]
Appellee

[illegible]

William Hall,
Respondent

No. 1140 ✓ ss.

Secretary of Agriculture,
Respondent.

Affirmed that the correctness of the record [illegible]
[illegible] essential statements.

[illegible]
Petitioner,

No. [illegible] ss.

[illegible]
Respondent.

[illegible]

[illegible]

[illegible]

Counsel for Petitioner

Certificate registered, that a writ of error was issued in this cause returnable to the present Term, and that the Record was returned accordingly.

Circumstances of this Action being heard, it is considered that the Judgment be reversed, and that the Defendant in Error recover against the Plaintiff in Error his Costs by him about his Defence in this behalf expended, and that the Plaintiff in Error be in Mercy &c.

No. 696.

The Right Honourable Spencer Earl
of Egmont, Viscount Perceval,
and Baron Lovel and Holland,
Appellant.
vs.
Peter Count Browne, Baron of
Kenmare, in the Kingdom of
Ireland, Respondent.

On reading and hearing the Petition of the Right Honourable Spencer Earl of Egmont, Viscount Perceval, and Baron Lovel and Holland, praying that the Appeal and Cross Appeal entered in this Cause may be dismissed this House, pursuant to the Order of the 8th of this instant, and that the Respondent may be at liberty to withdraw the Cross Appeal entered in this Cause, and that the Appellant may be at liberty to withdraw the Appeal entered in this Cause

Lizzie Carr, plaintiff

vs.

No 703 ✓ Complaint

The Insurance and Brokerage Co.

Defendant

Ord. on motion of Mr. H. J. Nicholson, attorney for plaintiff; it is ordered that the plaintiff be granted 30 days in which to file his brief.

Wm. Hoffman, Jr. and Benjamin Lee Executors &c.

vs. ✓ Complaint

No. 704 Daniel D. Berry,

Defendant

On motion of Mr. E. J. Edwards, attorney for the plaintiffs; it is ordered that the plaintiffs be granted 30 days in which to file their brief.

[illegible]

✓

[illegible] granted 20 days

Oct 31st '99 after the filing of appellant's brief

State Canal Enlargement and Extension Commission

Appellant,

No. 706. ✓

vs.

The London Companies, a corporation, and H. A. Drager.

Appellees.

On motion of Walter Bennett, attorney for the appellant, it is ordered that the appellant have 30 days in which to file its abstract and brief and on motion of attorney for the appellees it is ordered that the appellees be granted 20 days after the filing of appellants brief in which to file its brief.

(Order of submission, affirmance
or other order of disposition, entered,
if such be the case.)

[illegible] filing of appellant's brief [illegible]

George Schneeman, D.C. Kinney,
and J. F. Beatham,

Appellants

No. 709. ✓ vs.

Evening Gazette,

Appellee

On motion of Mr. A. M. King, attorney for the appellants it is ordered that appellants be granted 30 days in which to file their brief, and

On motion of the Attorney General it is ordered that appellee have 20 days after the filing of appellants' brief, in which to file its brief.

[illegible]

C. Kohl [illegible] - Appellant

No. 390 ✓ vs.

- W. J. Mehan, Dewitt C. Jones, Ben H. Merrill, F. C. Fisher, and - Angela Diaz de Daly, Appellees.

In answering to the satisfaction of the Court that this cause has been determined upon appeal to the Supreme Court of the United States, and the Mandate of said Court having been therefore filed in the office of the Clerk of this Court, and, upon motion of James Reilly Esq. attorney for appellees, it is ordered that a procedendo issue from this court, directed to the District Court of the First Judicial District of the Territory of Montana, in and for the County of Lewis, in accordance with the terms of the Mandate received and filed herein.

[illegible]

vs.

[illegible]

[illegible] Appellant

No. 645. ✓

vs.

[illegible] Appellee.

[illegible] Appeal dismissed at the costs of appellant for want of [illegible] filed [illegible] &c. complied.

[illegible] Appellant

No. 668 ✓

vs.

[illegible] Appellee.

Appeal dismissed at the costs of appellant for want of [illegible] &c. complied.

[illegible]

[illegible]

Cert. to C.C.

In re K. & O. Railroad, &c. Damages
Comp'l's Pet'n

Appellants,

The London Company, Petitioner,

No. 671 ✓

vs.

S. K. Bolton Plaintiff
J. C. Gardenier, Petitioner

Appellees.

✓ It is ordered that the motions for re-hearing of this cause heretofore filed herein, be submitted, and

✓ It is ordered that the motions to tax costs and for judgment heretofore filed herein, be submitted.

The Circuit Court of Morris County

Appellant

No. 676 ✓

vs.

Dennis McDevitt

Appellee.

It is ordered that the motions for re-hearing of this cause heretofore filed herein, be submitted.

(C. C. Sec.)

[illegible] of Marshall H. Mellinger entitled the following:

Marshall H. Mellinger, the able lawyer, the wise counselor, and
learned advocate, the close student and laborious man, the good
citizen, the faithful friend and loved husband, was dead. He,
[illegible] the legal profession who loved him while living,
[illegible] this tribute to his memory.

His early life was spent in Louisiana, the place of his
birth. At the age of seventeen he removed to Texas; there
in 1881 he was admitted to the Bar. He was prosecuting
attorney for one year in Dimmitt County and La Salle
County respectively, and was also Probate Judge for La Salle
County. In 1887 he was forced, by ill health to return to his
native state. In 1888 he located in Phoenix, Arizona where
he continued to reside until his untimely death May
24th, 1899. In 1890 he was a member of the Constitutional
Convention of Arizona and helped frame the constitution
of the state. [illegible] the [illegible] and [illegible]
[illegible] Democratic [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

Oct. 3rd 96.

Record, - Whereupon Marshall R. Nelson the Grand Jury of Cochise County, Arizona, and Lessee of Arizona territory, respected citizens, and Lessee of devoted and loving husband. But we deplore his death and tender to his widow our sincere sympathy and sympathy.

That these resolutions be spread on the records of this court and a copy sent to his widow.

Jno. H. Tribber.
J. C. Herndon.
C. H. Wright.

which were adopted and by the Court ordered spread upon the records of the Court.

It is ordered that this court stand adjourned until tomorrow, Oct. 3rd, 1896, at 10 o'clock A.M.

Obadiah Stacy (his mark)
Richard C. Stacy (his mark)
Stephen M. Davis "
C. D. Ross "

Supreme Court,
Territory of Arizona,
} ss.

Court opened at 10 o'clock A.M.

Present: Hon. Edwin Hebberton Street, Chief Justice.
" " Geo. R. Davis, Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
Lloyd Johnstone Clerk, by Deputy
Wm. M. Griffith U.S. Marshal by Deputy.
U.S. Attorney
M. H. Caldenwood Crier
Dean Woodward Bailiff.

The following business was transacted.

Wm. M. Michael,
Appellant

No. 710 ✓

vs.

The State Investment Contract
and Exchange Company,
Appellee.

On reading and filing affidavit of appellant's attorney showing that the appellee has failed to file its brief in the above entitled cause within the time required by the rules of this court, and on motion of Mr. Wm. M. Michael, attorney for the appellant,

It is ordered that the appeal in the above entitled cause be and the same is hereby dismissed.

C. C. Jones, Appellant's Attorney,
Appellant.

Wm. M. Michael, Appellant's Attorney,
Appellant.

No. 711

The Territory of Arizona,
Appellee,
vs.
Appellant.

On motion of J. H. Kibbey, attorney for the appellant,

Oct 2 1911 It is ordered that the appellant be allowed 20 days in which to file their abstract and brief, and

Upon reading of Jos. Campbell, attorney for appellee, it is ordered that the appellee have 20 days after the filing of appellants' brief in which to file its brief.

In the Matter of the Minnesota and Arizona Construction Company, a corporation, In Bankruptcy, Alonzo H. Linton, Simon M. Langdon and D. W. Brunk Petitioners Appellants

No. 713. vs

A. C. H. Robinson, Appellee.

On motion of C. E. Kenworthy, attorney for appellants it is ordered that the appellants be granted 30 days in which to file their abstract and brief, and

Upon reading of Walter Bennett, attorney for the appellees, it is ordered that the appellee have 20 days after the filing of appellants' brief in which to file its brief.

A. A. Lang, William Christy, H. S. Smith,
L. H. Owens, W. A. Richard, J. H. Burger,
G. H. N. Lubker and J. L. B. Alexander,
Appellants,

No. 714. ✓ vs

Common Council of the City of Phoenix,
Appellee.

On motion of C. F. Ainsworth, attorney for appellants, it is ordered that the appellants be granted 30 days in which to file their abstract and brief, and

Upon motion of Thos. Armstrong, attorney for the appellee it is ordered that the appellee have 20 days after the filing of appellants' brief in which to file its brief.

John M. Chambers,
Appellant,

No. 715 ✓ vs.

Sarah J. Chambers,
Appellee.

On motion of Walter Bennett, attorney for appellee, it is ordered that leave be granted the appellee to file its brief, motion granted by the court.

William C. Bixby,
Appellant.

No. [illegible] ✓ vs

[illegible] C. Bixby
Appellee

On motion of H. H. Sanford, attorney for appellant

Def in Error Stenographer sworn by the Court, granted the appellant to file this motion for leave to file an additional brief herein.

Louis Zeckendorf, as guardian of the persons and estates of Aaron Hugo Zeckendorf and Helenita Zeckendorf, minors,

Appellant,

No 432. vs.

Aaron Hugo Zeckendorf and Helenita Zeckendorf.

Appellees.

It appearing to the satisfaction of the Court that this cause has been determined upon appeal by the Supreme Court of the United States and the Mandate of said Court therein heretofore filed in the office of the Clerk of this Court, and, upon motion of Rochester Ford Esq, attorney for appellees it is ordered that a mandate issue from this Court directed to the District Court of the First Judicial District of the State of Nevada in and for the County of Ormsby, in accordance with the decree of the Mandate received and filed herein.

file the brief herein sufficient, upon notice of the same to the attorney for appellant, or whether appellee shall file the brief.

Dec 7th 1903

vs

On motion of J. H. Libby, attorney for appellant, it is ordered that 20 days be granted the appellant in which to file its abstract and brief, and

It is further ordered that the appellee have 20 days after the filing of appellant's brief in which to file his brief.

In the Supreme Court
of the
State of Nebraska

The Nebraska Telephone Company
Plaintiff
Appellant
vs
Hiram Hill
Defendant
Appellee

No. 705 ✓

Upon motion of the plaintiff, and it appearing to the court that the defendant has appealed from the judgment rendered herein, and that the bond for costs on appeal has been duly executed and filed, it is ordered that the plaintiff have 20 days in which to file its abstract of record herein.

Co. C. Cap

Hellman & Weller,

Appellant

No. 916. V

vs.

Charles L. Douglass,

Appellee.

It is ordered that the motion to dismiss, heretofore filed herein, be submitted.

The Salt River Valley Canal Company, et al.,

Appellants,

No. 703 ✓

vs

Henry E. Stevens,

Appellee.

It is ordered that the motion to dismiss filed herein, for an order requiring the Clerk of this Court to certify the certain Transcript in this cause, be submitted.

Hellman & Weller,

Appellant

No. C. V.

vs.

Charles L. Douglass,

Appellee

It is ordered that the motion to dismiss the appeal in this cause, filed herein, be submitted.

It is ordered that the court adjourn until
Tomorrow, Nov. 1st 1899 at 10 o'clock A.M.

Sloan, Street Chief Justice.
Richard E. Sloan Associate Justice.
Fletcher M. Doan " "
Geo. R. Davis " "

Supreme Court,
Territory of Arizona. } October Term, A.D. 1899
Phoenix, Wednesday, November 1st 1899.

Court opened at 10 o'clock A.M.

Present: Hon. Chief Justice, Presiding.
" " Geo. R. Davis Associate "
" " Fletcher M. Doan " "
" " Richard E. Sloan " "

Attorney General, Clerk of Court.
Sheriff, Interpreter and Bailiff.

All the Justices present.

The proceedings of yesterday were approved.

[illegible]

[illegible]

[illegible]

It is ordered and by this Court adjudged, and decreed that the ruling complained of herein be affirmed in all respects. It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered adjudged and decreed that the Appellees herein do have and recover of and from the Appellant herein A. E. Baker, and George Arnold and J. R. Lowry, as principal on appeal bond, their costs in this Court taxed at twenty-two ($22.00) Dollars and their costs in the Court below taxed at $--

No. 691

Yazoo Valley Railroad Company,
Appellant
vs.
W. H. McCord, Trustee et al,
and George M Bickers,
Appellees.

This cause coming on to be further considered, and it appearing to the Court that the record, proceedings and decree of the Court below in this cause are in all things correct; It is ordered that the decree of the District Court be and the same is hereby affirmed.

The Travelers Fire Insurance Company,
Appellant

No. 676. ✓ vs.

Dennis A. Tenbey,
Appellee.

In this cause it is ordered that the motion for rehearing filed herein by Appellant, be and the same is hereby denied.

The Hartford Banking Company, a corporation, and J. E. Walker, assignee of the Hartford Banking Company,
Appellants

P. 668. ✓ vs.

C. F. Long.
Appellee.

In this cause it is ordered that the motion for rehearing filed herein by appellants, be and the same is hereby denied.

Manhattan Casualty & Liability Company
Appellant

[illegible] ✓ vs.

[illegible]
Appellee.

No. 3116. Chicago & Great W. R'y Co. Railway Company
- confirmation, being appeal 3040- 3116-
and 3117- consolidated.

Appellant,

No. 645 V

vs.

E. L. Brill,

Appellee.

The motion of appellant to dismiss appeal, filed herein, having been heretofore submitted and by the court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that said motion be granted and the appeal is hereby dismissed in accordance with the stipulation of the parties.

C. E. Keenan,

Plaintiff in Error,

No. 708. V

vs.

The Secretary of the Treasury and Postmaster General,

Defendant in Error.

The motion to affirm this cause coming on to be heard on the transcript of the record from the Court of Claims and on motion of Mr. Assistant Attorney General Thomas for the defendant in error, it is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be and the same is hereby affirmed with costs, and that the plaintiff in error pay to the defendant in error the sum of fifteen dollars and fifteen cents ($15.15) the amount of costs in this cause.

P. C. Dargel,

Appellant

No. 653. v

vs

James Wilson,

Appellee.

This cause having heretofore submitted and by this Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered and that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee, herein, James Wilson do have and recover of and from P. C. Dargel, Appellant herein and Wm. M. Gilchrist and L. F. Higgins sureties on Appeal Bond herein, his costs in this cause taxed at twenty-seven and 50/100 ($27.50) Dollars and his costs in the court below in this cause incurred.

J. C. Wilson and Abram D. Adams

Appellants

Cont. 1

vs.

Thomas Thomson for J. O. Cathcart Executor

Hoffman, Succ. of D'Orsay & Cottrell,

Appellees.

This cause coming on to be heard upon the transcript of the record and briefs of counsel and argued by counsel and it appearing to the Court that there is no error in the record and proceedings of the District Court of Lafayette County, Florida, in this cause, it is considered that the judgment of the said District Court be affirmed and that the appellees, Thomas Thomson for J. O. Cathcart Executor of Hoffman, Succ. of D'Orsay & Cottrell, appellees herein, their costs in this court taxed at fifteen hundred and fifteen and 60/100 ($1515.60) Dollars

No. 672 ✓

Sophia M. Patterson & Mary Jane Patterson,
Appellants

vs.

Alexander Marshall,
Appellee.

This cause having been heretofore submitted and by the court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgement of the Court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from the Appellants herein Jasper N. Gauntlett and Simeon Harringer and John La Tourrette, sureties on Appeal Bond herein, costs in this court taxed at Thirty ($30.00) Dollars and in the court below taxed at Fifty one and 15/100 ($51.15) Dollars.

Harry C. Haff,
Appellant,

No. 666 ✓

vs.

J. E. Adams,
Appellee.

This cause having heretofore submitted and

Ernest H. Spicer,

Appellant

No. 670 v. vs.

Vernon A. Stinson and the Stinson Improvement Company, a corporation

Appellees.

On this cause, it is ordered that the motion for rehearing, filed herein by appellant, be and the same is hereby denied.

James A. McClintock, W. J. Briggs and C. J. Cole Appellants

London Company- Intervenor.

No. 671 v. vs.

J. H. Baltzer, Steinhoff

and Bankers Contract Company,

Appellees

On this cause, it is ordered that the motion for rehearing, filed herein by appellant, be and the same is hereby denied.

[illegible]

[illegible] ordered that the motion

No. 546.

James L. Otten and Elizabeth B. Voorhies,
Plaintiffs & Petitioners

vs.

Benjamin D. Franklin, C. P. Leitch and C. M. Bruce-Low Commissioners of the Territory of Arizona.

Defendants & Respondents.

In this cause it is ordered that the petitioners be substituted the executors of the last will and testament of Elizabeth B. Voorhies, one of the plaintiffs in this cause, in accordance with the order of the Supreme Court of the United States, and that petitioners be allowed thirty days

Thereupon considered this cause and being fully advised in the premises, it is ordered that the judgment of this Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee recover of and from the Appellant, the Woodlawn Trust Company, and E.J. Bennett and Ewald Eisele, executors of the appraisal bond, his costs in this Court taxed at forty two and 90/100 ($42.90) Dollars and his costs in the Court below taxed at sixty six and 40/100 ($66.40) Dollars.

William C. Epstein,
Appellant
vs.
Walter K. Berglas,
Appellee

D. of T. 6. ✓

In this cause, it is ordered that the appellee's motion to dismiss the appeal, filed herein by appellee, be and the same is hereby denied.

✓ It is further ordered that the appellee's motion to strike out the bill of exceptions filed herein by appellant and the briefs of the filed herein by the appellee.

✓ It is further ordered that the appellee have and recover of and from the appellant his costs herein expended and that execution issue therefor.

✓ [illegible]

No. 667. In the District Court, Second Judicial District, In and For the Territory of Arizona.

The Atlantic and Pacific Railroad Company

Appellant,

vs.

No. 668. ✓ C. H. Hoag

Appellee.

Upon motion of W. H. Hildreth Esq. it is ordered that the amount of the Cost Bond on appeal in this cause be fixed at two thousand dollars ($2000.) and an appeal allowed to the Supreme Court of the United States.

James L. Hiter and Elizabeth B. Hunter

Plaintiffs & Petitioners

No. 696 ✓ vs.

Benjamin J. Franklin, C. C. Leitch and C. M. Bruce, Loan Commissioners of the Territory of Arizona.

Respondents

Upon motion of W. H. Barnes Esq., Wm. C. H. Wright Esq. He appeared and attorney for the Respondents in this cause.

It is ordered that Petitioners be allowed to appeal to the Supreme Court [illegible]

The Salt Lake Valley Canal Company, Appellant,

No. 703 v. vs.

Henry E. Bowers, Appellee.

Upon motion of E.G. Ainsworth, Esq. attorney for appellants, it is ordered that appellants have 30 days in which to file printed transcript and Brief. It is further ordered that the appellees have 30 days in which to reply.

Jacques & Mc Nichol, & D. Dougal and O. J. Cole, Appellants

Leidesdorf Company vs. Lafferman,

No. 671. Appellee.

On Motion to dismiss, filed herein by appellee and duly submitted, and on the Court being advised in the premises, it is ordered that said motion be and the same is overruled, and that the appellee have 30 days in which to file brief.

Upon motion of C.C. Baker Esq. it is ordered

Feb. 5th 1900 that the amount of the Cost Bond in appeal, and the amount fixed at one thousand ($1,000.) dollars, and approved by the Supreme Court of the United States granted.

James H McClintock, et al Dagger, and P.J. Cole - Appellants Intervenor,

No. 671 vs.

J.H. Bolton - Plaintiff,
J.C. Goodwin Intervenor,
Appellees.

The attorney for Appellants in this case moved the Court for an order granting them 60 days in which to perfect their appeal, & the amount being sufficient to give the Supreme Court of the United States jurisdiction, the Court was pleased to make an order in the case.

It is ordered that this Court stand adjourned until Saturday, January 6th 1900 at 11 o'clock A.M.

Melville W. Fuller Chief Justice.

Whereas, Lloyd Johnston, clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account for his official services from the first day of July, 1899, to the thirtieth day of September, 1899, with the items thereof, in the presence of the United States District Attorney, and has, by oath, attached to the account, proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated; and, whereas, said charges appear to be just and according to law, it is therefore ordered that said account, amounting to Four and 10/100 ($4.10) Dollars, be, and the same is hereby allowed.

December, 8th, 1899.

Webster Street,
Chief Justice Supreme Court,
Territory of Arizona.

Stephens Creek } October Term A.D. 1899.
County of Abbeville. } Present: Hon. Pope Witherspoon, Presiding Judge. January 6th 1900
Court opened pursuant to adjournment at 10 o'clock A.M.
Present: His Honor Pope Witherspoon, Presiding Judge
" " Richard E. Stevens Associate "
" " Fletcher M. Dean, " "
Lloyd Johnston Clerk of Court.
M. H. Calderwood Crier.
Dean Woodward Bailiff.

The Chief Justice announced that no two decisions of the Court, on final hearing would be announced by this Court at this Term thereof, and that the October Term, A.D. 1899, of this Court would stand adjourned sine die.

Pope Witherspoon, Chief Justice.
Richard E. Stevens, Associate Justice
Fletcher M. Dean " "
Geo. F. Bonham " "

Regular January Term 1900

Stephens Creek } January Term A.D. 1900.
County of Abbeville. } Present: Hon. Pope Witherspoon, January 8th 1900.
The January Term, A.D. 1900, of this Stephens Creek Court of the County of Abbeville, opened this morning pursuant to adjournment at 10:30 o'clock A.M.
Present: His Honor Pope Witherspoon, Chief Justice.
" " Geo. F. Bonham, Associate Justice
" " Fletcher M. Dean " "

Jan. 9th 1900 ... to his ... the Court ... present ... the
Term, January 9th 1900, at 2 o'clock P.M. ... the ...
commissions, no the Court was without a Clerk, and no business
could be transacted until such vacancy was filled, the Court
would adjourn Edmund L. Waindell, as the successor of
Lloyd Johnston, as Clerk of this Court.

Theodore Strait — Chief Justice.
Thomas E. Green — Associate "
Theodore M Dean — " "
Leo. A. Dean — " "

Supreme Court,
Secretary of Territory. } Office of Clerk.

Whereas, no vacancy in the office of Clerk of said Supreme
Court has arisen and now exists by reason of the death
of Lloyd Johnston, who had filed his official bond as Clerk
of said Court, and it being expedient that such vacancy
be immediately filled, -

Now, therefore, we, the Justices of said Supreme
Court, do hereby appoint Edmund L. Waindell,
a citizen of the United States, to fill such vacancy.

Given under our hands at Tucson, this ... day
of ... A.D. 1900.

... Street ...
... Street ...
... Street ...

County of Mercer } ss.
County of Mercer }

J.C. Adams, J. Lindley and H. Bridgett, whose names are subscribed as sureties to the within bond, being severally duly sworn, each for himself, deposes and says that he is a householder, resident within said County, and that he is worth the amount for which he becomes surety in said bond, over and above all debts and liabilities, exclusive of exemptions, situated within this State, exclusive of exemptions exempt from execution and forced sale.

J.C. Adams
J. Lindley
H. Bridgett

{J.C. Adams 10th}

Subscribed and sworn to before me this 28th day of January, 1900.

{Notary Seal} E.O. Everett, Notary Public

My Commission expires March 25, 1900.

I, Thomas Crisfield, do solemnly swear that I will support the Constitution of the United States and the laws of the State of Illinois; that I have not fought or engaged in duel, and depend upon any account, nor received nor offered any reward, nor taken any advantage of the office of Clerk of the Circuit Court of Mercer County, Illinois, nor directly nor indirectly, for the election of any person to any office, nor appointment to any office, nor employment in any office, nor appointment to any office, nor employment in any office, nor appointment to any office, nor employment in

Supreme Court
Territory of Arizona } ss.

I, Harry Schuerman Rogers, C. Parker, as Deputy Clerk of the Supreme Court of the Territory of Arizona, dated this 7th day of January, A.D. 1901.

Harry Schuerman Rogers.

Clerk Supreme Court of Arizona.

For the Supreme Court
Territory of Arizona } ss.

I, Harry C. Parker, Deputy appointed Deputy Clerk of the Supreme Court of the Territory of Arizona, do solemnly swear that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said Court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God.

Harry C. Parker.

Subscribed and sworn to before me this 10th day of January, A.D. 1900.

W. C. Foster.

Clerk District Court Maricopa County Ariz.

(Seal)

Supreme Court. } January Term, A.D. 1870.
Territory of Arizona. } (Tucson) January 4th A.D. 1870.

Court opened pursuant to adjournment, at 3 o'clock P.M.

Present: His Honor, Hebster Street, Chief Justice.
" " Geo. C. Davis Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Almon " "
Thomas Trindell, Clerk.
U.S. Attorney.
U.S. Marshal.
M.H. Calderwood. Crier
Deam Woodward Bailiff.

The Roll of Thomas Trindell, Clerk, having been referred to, a copy of which is found on pages 344 and 345- the following business was transacted.

The petition of Mr. J.C. Hereford, citizen of Pinal County, Arizona, praying that he be admitted to practice as an attorney and counsellor at law in the Courts of this Territory, was presented to the Court.

The petition of Mr. C.H. Brainerd, citizen of Pinal County, Arizona, praying that he be admitted to practice as an attorney and counsellor at law in the Courts of this Territory, was presented to the Court.

It appearing to the Court that the said [illegible] is a citizen of the United States and of this Territory, and that [illegible]

No. 136. v

Jesus M. Serna et al, Jesus Canto et al, and Louis Salazar et al,

Appellants,

vs.

Territory of Arizona,

Respondent.

It is ordered that this cause be set for hearing January 15th.

No. 137. v

William Halderman and Thomas Hazlewood,

Appellants,

vs.

Territory of Arizona,

Respondent.

It is ordered that this cause be set for hearing next.

No. 138. v

Territory of Arizona,

Appellant,

vs.

Territory of Arizona,

Respondent.

On motion of Mr. E.J. Edwards, attorney for appellant, it is ordered that he be allowed 3 days in which to file brief.

Jan. 7th 1900.

Howard Heller and George Corbin,
Hedley Albright and William H. Hagerman,
Executors of the Last Will and Testament of
Elizabeth B. Gorbin, deceased,

(Petitioners)

No. 546.

vs.

The Town Commissioners of the
Town of Magnolia

(Respondents.

On motion of Mr. H. H. Hagerman attorney for (Petitioners) it is ordered that this cause be passed until to-morrow morning, Jan. 10th, 1900.

[illegible]

vs.

[illegible]

No. 546

[illegible]

[illegible]

[illegible]

Cause passed over for hearing, January 16th.

No. 719 ✓

Sarah M. Mayer,

vs.

Wm. Sarah Mayer, Eliz. M. Mayer and Wm. Mary Mayer, heirs of

Deceased.

On motion of Atty for Plff, it is ordered that this cause be set for hearing January 16th.

No. 720 ✓

Charles G. Johnston, and
Julius Caesar

vs.

C. L. Cummings,

Deceased.

On motion of Mr. Julius Caesar, attorney for plaintiffs, it is ordered that this cause be passed for hearing.

Jan. 4th 1904. Grant. vs. Arey, M.E. Lamareigo, James Finley and Joseph B. Scott, Appellants,

No. 723. vs.

Pima County, Appellee.

It is ordered that the hearing of this cause be set for January 12th.

C.F. Schumacher, M.E. Lamareigo, Samuel Q. Finch and Daniel C. Stevens, Petitioners,

No. 724. vs.

Pinal County, Respondent.

It is ordered that the hearing of this cause be set for January 12th.

Samuel Hughes, Francis Steven, James Finley and William H. Evans, Petitioners,

vs.

No. 725. Respondent.

It is ordered that the hearing of this cause be set for January 12th.

Quarterly Session (Petty)

Pa. 138 ✓

Chatham

vs.

Ferris of Augusta

Defendant

On motion of Mr. E. S. Edwards attorney for plaintiff, it is ordered that the hearing of this cause be set for January 17th.

Pa. 139 ✓

Quarterly Court,

Plaintiff

vs.

Ferris of Augusta

Defendant

On motion of Mr. E. S. Edwards, attorney for plaintiff, it is ordered that the hearing of this cause be set for January 17th.

Pa. 140 ✓

William Hall,

Plaintiff

vs.

Ferris of Augusta,

Defendant

On motion of Mr. E. S. Edwards attorney for plaintiff, it is ordered that this cause be set for

Jan. 16th, 08.

Peter J. Brady, Jr.,
Appellant,

Pltff. v

vs.

Territory of Arizona,
Respondent.

On motion of Mr. E.J. Edwards, attorney for appellant.
It is ordered that the same is days to file brief herein and
cause set for hearing January 8th.

Jan. 16th, 08.

Pedro Pinero,
Appellant,

Pltff. v

vs.

Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be
set for January 18th.

Jan. 16th, 08.

Samuel H. Lewis,
Appellant,

Pltff. v

vs.

C.E. Kenyon,
Respondent.

On oral motion of Mr. Ingraham it is ordered that the time for filing
the transcript herein be enlarged.

In re Est. of Elizabeth Conway deceased

vs.

Daniel McHenry,

Petitioner.

On motion of Mr. McFarland, attorney for petitioner, it is ordered that he have leave to file additional proof.

In re Est. of Charles L. Kennard, deceased

vs.

L. N. Porter,

Defendant-in-Error.

On motion of Mr. McFarland, attorney for defendant-in-error, it is ordered that he have leave to file brief.

In re Est. of Elizabeth Conway deceased

vs.

Daniel McHenry,

Petitioner.

On motion of Mr. McFarland, attorney for petitioner, it is ordered that he have leave to file additional proof.

Jan. 9th 1900. Henry Wilson

Appellant

No. 143. ✓ vs.

Territory of Arizona,

Respondent.

It is ordered that this cause be set for hearing January 22nd.

The Gila Bend Reservoir and Irrigation Company,

Appellant

No. 6 96- ✓ vs

Enzian Canal Company and Arizona Construction Company,

Appellees

On motion of Mr. J. H. Kinkead, attorney for appellant, it is ordered that he have 5 days in which to file Petition for writ of error, and Brief.

[illegible]

[illegible]

[illegible]

[illegible]
Plaintiff,

vs.

[illegible] Farmers and Merchants Bank,
Defendant.

It is ordered that this cause be submitted.

Salt River Valley Canal Company, et al.,
Appellants

vs.

Henry E. Hosser,
Appellee.

It is ordered that the consideration of this cause be passed for the present.

Ora Bail, executrix of the Estate of James C. Drake, deceased, E. L. Bail and Ora Bail,
Appellants,

vs.

[illegible]
Appellee.

On motion of Mr. C. C. Fisher, attorney for appellants, it is ordered that this cause be set for hearing Monday the [illegible] day of [illegible].

Jan. 9th 1900. The Grand Lodge of the
Ev. Lutheran Synod,
Appellant,
No. 706. ✓ vs.
The London Company, et al respondents,
and M. A. Dagel,
Appellee

On motion of attorney for Appellant, It is ordered that the hearing of this cause be set for January 23rd.

Chandler Kirkham, Administrator of the estate of M. Meaney, deceased,
Appellant
No. 707. ✓ vs.
Peter Stolle,
Appellee.

On motion of attorney for Appellant, it is ordered that the hearing of this cause be set for January 23rd.

Peter Mitchell,
Appellant
No. 708 ✓ vs.
The Grand Lodge of the Ancient Order of
United Workmen,
Appellee.

On motion of [illegible]
ordered that the hearing of this cause be set for [illegible]

Jno. H. Rogers, Assignee of Chas. H. Clemens,
J. H. Hoff, Richard Nixon and D. J. Carey,
Appellants.

No. 711. vs.

Farmers and Merchants Bank, a corporation,
Appellee.

It is ordered that this cause be submitted on briefs.

On motion of Mr. Jno. H. Kibbey, it is ordered that he have until January 24th to file brief.

In the matter of the Mississippi Refining and Construction Company, a corporation,
Bankrupt,
Alonzo H. Linton, Charles A. Congdon,
and D. H. Knuth,
Petitioners
Appellants.

No. 713. vs.

A. C. H. Robinson,
Respondent.

On motion of attorney for Respondent, it is ordered that he have until January 13th to file brief. It is further ordered that Appellants have to and including January 24th.

Orig. petitioner. W. A. Ley, Minnie Ley, H. Hayden, L. H. Crane, E. N. Fickes, J. H. Berger, W. H. N. Leland and J. L. B. Alexander,

Appellants,

No. 714. ✓ vs.

Common Council of the City of Phoenix,

Appellee.

It is ordered that this cause be passed for the present.

Maricopa and Phoenix & Salt River Valley Railroad Company, a corporation,

Appellant

No. 718 ✓ vs.

Mattie Lee Dean, administratrix of the estate of George W. Dean, deceased,

Appellee

On motion of Attorney for Appellant, It is ordered that the hearing of this cause be set for January 24th.

Edward Lewis

Appellant

vs.

Board of Supervisors,

Appellee

On motion of Attorney for Appellant, It is ordered that this cause be set for hearing for [illegible]

In re the matter of Joseph Hargrave,

Appellant

vs.

Territory of Arizona

Respondent.

On motion of Attorney for Appellant, it is ordered that this cause be set for hearing January 25th.

The Concord Mining Company, a corporation, Noah C. Nickels, George P. Harrington, Reuben Wilkinson, Samuel M. Taylor and W. F. Vandever,

Appellants,

No. 695 vs.

The District Court of the Fourth Judicial District of the Territory of Arizona, sitting in, and for the County of Yavapai; The Hon. Richard E. Sloan as Associate Justice of the Supreme Court of the Territory of Arizona, the presiding Judge of said District Court, and Wm. F. Fleming

Respondents.

On motion Mr. Robt. E. Morrison, attorney for Respondents, it is ordered that the time for filing Brief of Respondents be and the same is hereby extended to and including the 15th day of January A.D. 1894.

Henry Cockburn

Appellant.

No. 701. ✓ vs

Mary Downes,

Appellee.

It is ordered that this cause be submitted on brief.

George Fahrenwald, A.E. Dennard, and
J.R. Beatty,

Appellants

No. 702 ✓ vs

Secretary of Agriculture,

Appellee.

On motion of Mr. Reese M. Lacy, it is ordered that the hearing of this cause be set for January 26th.

[illegible]

[illegible]

[illegible]

J. M. Ferguson, J. C. Hendrickson, J. C. Hanna,
Jesse Pettigrew and Isaac Pettigrew,
Appellants,

No. 728. v.

vs.

Morgan J. Jones, and Enoch Hughes,
Appellees.

Ordered that this cause be submitted.

The Iowa Insurance Company, a corporation,
Plaintiff in Error,

No 729. v.

vs.

Eleazer E. McFarland and Chas. N. Hooker,
a co-partnership, carrying on business under the firm name and style of
McFarland & Hooker,
Defendants in Error.

On motion of Mr. J. C. Hendrickson, attorney for Defendants in Error, It is ordered that the hearing of this cause be set for January 26th.

M. A. Harwood,
Appellant

vs.

A. C. Preston
Appellee.

Ordered that this cause be set for hearing January 19th.

Jan. 9th 1860. Samuel McKinley, Francis Brown, James Kirby and William R. Brown, Appellants

No 721. vs.

City of Towson, Appellee.

On motion of Mr W. H. Bennett, attorney for appellants It is ordered that the hearing of this cause be changed from the 12th to the 16th of January.

Henry Hildebrandt, Appellant.

No. 701. vs.

Mary Brown, Appellee.

On motion of Mr. J. P. Henry, attorney for appellant It is ordered that the hearing of this cause be set for January 20th on mutual agreement entered into by counsel

J. C. Adams and Ann D. Adams Executors, Appellees

No. 677 vs

Isaac Dickson of Wm, Executor, and Elizabeth Dickson of Wm, Executrix, Appellees.

The Appellees by attorney for appellees moved that this cause be docketed and dismissed

James [illegible] (R. P. Ragsdale)
Appellant,
No. 6[illegible] S. V.
vs
James Wilson,
Appellee.

In this cause, it is ordered that the motion for re-hearing filed herein by appellant, be overruled.

Yazoo County
Appellant
No. 694 V
vs
M. H. McCord, Charles H. Aiken, and George H. Vickers,
Appellees.

In this cause, it is ordered that the motion for re-hearing filed by appellant, be overruled.

J. C. Keith
Appellant
No. [illegible] S. V.
vs
Charles H. Aiken
Appellee.

It is ordered that the motion of this cause, filed herein by appellant, be overruled.

Jesse M. Greenlee,
Appellant
vs
Isaiah Greenlee,
Appellee.

It is ordered that the motion of appellant filed herein by appellee, be overruled.

Jan. 9th 1918 Hearing, on Motion to Dismiss appeal for want of jurisdiction

No. 717 ✓ Hearing, on Motion to Dismiss appeal for want of jurisdiction overruled. Motion granted, appeal dismissed, Mr. Justice Sanborn dissenting.

Hearing, on Motion to Dismiss appeal for want of jurisdiction overruled. Motion granted, appeal dismissed, Mr. Justice Sanborn dissenting.

No. 690. ✓ Hearing, on Motion to Dismiss appeal for want of jurisdiction overruled. Motion granted, appeal dismissed, Mr. Justice Sanborn dissenting.

[illegible] [illegible] [illegible] [

Bar of Virginia have suffered an severe loss; that we sympathize with his family over his death; that this expression of the Virginia Bar be spread upon the records of this Court; and that a certified copy thereof be forwarded to his widow.

C. W. Knight.
L. H. Chalkley Chm.
R. E. Morrison.
Committee.

It is ordered that this court stand adjourned until re-convened January 10th 1910, at 10 o'clock a.m.

Obelus Stutt Chief Justice.
Associate "
Geo. T. Dove " "
Fletcher M. Dove " "

Supreme Court } Wheeling, W. Va. 1910.
Virginia Bar. } Present. Stuart Brannon Dove & Dove Attorneys at Law. W. Va.

Present Hon. Obelus Stutt Chief Justice.
" " Geo. T. Dove Associate "
" " Fletcher M. Dove " "
" " Richard E. Morrison " "
Thomas Knight, Clerk.

Mr. Attorney.
Mr. Knight
Mr. Morrison
Mr. Lieutenant Price
Mr. Stuart Bailiff
The following proceedings were had:

No. 711.

Thomas H. Ryan, Assignee, &c. Plaintiff
Ch. Adolf, Thomas Ryan and D. J. Evans,
Appellants,

vs.

Hannah and Merchants Bank a corporation,
Appellee.

On motion of Mr. Jon H. Libbey, it is ordered that Mussel, Baker & Bennett be entered as associate counsel for Appellants, and case set for hearing January 24th, on oral argument.

No. 690

United States of America,
Appellant,

vs.

The Potosi Queen Consolidated Mining Company, a corporation,
Appellee.

On motion of Mr. C. E. Morrison, attorney for appellant, it is ordered that the case until January 24th be set for hearing on the oral argument.

Dec. 10th 1912 Motion to Dismiss.

Appellant

No. 716. ✓ vs

Charles L. Douglass

- Appellee.

Said cause coming on regularly for hearing and argued by Mr. H. H. Bowers for Appellant and Mr. Fitzgerald for Appellee and ordered submitted.

✓ On motion of attorney for appellee, it is ordered that he have privilege of filing additional authorities.

Thereupon the Court adjourned, to meet at 9:30 A.M.

Thursday Dec 12th 1912.

Present: Hon. Geo. E. Brown Chief Justice.

Hon. Thos. M. Roan Associate Justice.

Hon. E. T. Taylor "

No. 717.

U.S.

Frank Degraaf,

Appellee

Appeal from the District Court of Jefferson County, Texas.

Opinion filed October 16th, 1906.

[illegible] vs. [illegible] } Appellees.

No. 187. ✓ vs.

Secretary of Navy, } Appellees.

Mr Mark Ayrich attorney for Appellants moves the Court to allow evidence taken in this cause to be filed nunc pro tunc

[illegible]

No. [illegible] ✓ vs.

[illegible] } Appellees.

Mr Justice Miller delivered the opinion of the Court.

This cause was argued by counsel on the motion of the appellants to allow evidence taken in this cause to be filed nunc pro tunc

[illegible]

[illegible] appearing for appellant

It is ordered that this court stand adjourned until to-morrow, January 13th at 9:30 o'clock A.M.

Hebster Stark Chief Justice.
Richard E. Sloan Asso. Associate Justices.
Fletcher M. Doan " "
Geo. T. Simms " "

Jan. 13th 1908. Supreme Court } January Term A.D. 1908.
State of Oklahoma } Enid, Friday, January 12th 1908.

Court opened, pursuant to adjournment, at 9:30 o'clock a.m.

Present: Hon Hosea Hebster Stark Chief Justice.
" " Fletcher M. Doan Associate Justice.
" " Richard E. Sloan, " "

Thomas Grindell - Clerk

[illegible]

25.

[illegible]

Jan. 12th 1900. Court to set cause for trial. Mr. Crabbe & Mr. Campbell file cause to be referred to the District Court of the 1st Judicial District, in and for Pinal County, and fix bond for appeal. Stipulation of Counsel entered into, and approved for consideration.

H. A. Harwood,

Plaintiff,

vs.

P. Tas. ✓

A. C. Perrin,

Defendant.

The question of the H. A. Harwood, petitioner for Writ of Habeas Corpus and the petition and writ thereof, coming on to be heard, and the Petitioner being in custody in charge of the Sheriff of Pinal County,

[illegible]

[illegible]

[illegible]

[illegible] Appellants,

—

vs.

Peter Crowley,

Appellee.

Mr. C. H. Pratt, attorney for appellants (Mr. Peter Crowley for appellee) moves the Court to dismiss the appeal herein, for the reason that the Court ordered that said cause be dismissed.

This cause coming on regularly to be heard on this day was argued by Mr. C. H. Pratt for appellants and Mr. Rochester Ford for appellee and said motion submitted.

Daniel K. Jones et al Judicial Circuit,

Appellants

vs. 720. 25.

C. L. Cummings,

Appellee.

On motion of attorney for appellee, it is ordered that the appeal herein be dismissed at the appellants cost.

On motion of attorney for appellants, it is ordered that the appeal herein be reinstated on the docket, and cause continued over this

[illegible]

No. 717.

[illegible]

No. V

No. 87.

Jan. 15th 1920. argued by Mr. Mack McGrath for Appellant and Mr. Stevens English for Respondent, and cause ordered to stand over.

It is ordered that this court stand adjourned over to Monday, January 16th at 9:30 o'clock A.M.

Webster Street Chief Justice
Malcolm McDonald Associate "
Geo. A. Dunn " "

" "

Supreme Court } January Term A.D. 1920.
Extraordinary Session. } Monday, Tuesday January 16th, 1920.

Court opened pursuant to adjournment at 9:30 o'clock A.M.

Present: Hon. Webster Street Chief Justice.
" " Hon. C. P. Dunne Associate Justice.
" " Malcolm McDonald " "
" " Edward E. Adams " "

[illegible]

J. C. Stevens and Anna D. Stevens,

Defendants;

No. 617. vs.

James O'Connor and J. J. Cathcart, trading
as Fire Insurance of O'Connor & Cathcart,

Plaintiff.

The parties by their respective counsel agree that
parties for reasons stated may be permitted to
withdraw their pleadings herein and the cause is hereby
dismissed.

P. C. Evans,

Plaintiff's Attorney.

No. 653. vs.

Isaac Adams,

Defendant.

It is ordered that the parties by their respective
attorneys be permitted to withdraw their pleadings
herein and the cause is hereby dismissed.

Jan. 6th 1911

January 6th 1902 Appellee's Motion to Dismiss Appeal heard by the Court and submitted and by the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the judgment of the lower Court and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant herein and J. F. Owens and C. E. Parks, sureties on Appellant's cost bond in this Court herein the sum of Thirteen and 50/100 ($13.50) Dollars, and his costs in the lower Court.

No. 690.

United States of America,
Appellant,
vs.
The Ophir Queen Consolidated Mining Company, a corporation,
Appellee.

The Motion of Appellee to Dismiss, filed herein, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the judgment of the lower Court and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant herein and J. F. Owens and C. E. Parks, sureties on their Cost bond filed in this Court herein the sum of Thirteen and 50/100 ($13.50) Dollars, and his costs in the lower Court.

No. 546.

vs.

vs.

On motion of [illegible], Plaintiff's Counsel,
[illegible] and Petition filed,
[illegible]

Plaintiff's
vs.
[illegible]
Defendant's

Ordered, that said cause be regularly set for hearing, on the request of the Plaintiff's Counsel and the Defendant's Counsel,

Plaintiff's
vs.
[illegible]
Defendant's

Ordered, that said cause be [illegible] on the request of the Plaintiff's Counsel, and the Defendant's Counsel [illegible]

Ordered that said cause be [illegible]

Ordered that said cause be [illegible]

[illegible]

Jan. 17th 1901.

[illegible] Kläger,

[illegible]

No. [illegible] vs.

[illegible] Beklagten,

[illegible]

Gegen das [illegible] Urtheil des [illegible] vom [illegible] wurde [illegible] Berufung eingelegt, [illegible] Berufung [illegible] verworfen.

[illegible] Kläger,

[illegible]

No. 699. vs.

[illegible] Beklagte.

Für [illegible] wurde [illegible] Berufung [illegible] eingelegt, [illegible] Berufung [illegible] verworfen.

[illegible] Kläger,

[illegible]

No. [illegible] vs.

[illegible] Beklagte:

Die [illegible] wird [illegible] verworfen, [illegible] Urtheil [illegible] bestätigt, [illegible] Kläger [illegible] Beklagte [illegible].

It is ordered that this court adjourn until tomorrow morning at 9:30 o'clock A.M.

Webster Street Chief Justice.
Richard E. Sloan Associate Justice.
Webster Street "
Geo. A. Davis "

In the Court. } January Term A.D. 1900.
Territory of Arizona } Prescott, Thursday January 18th 1900.

Court opened, pursuant to adjournment, at 9:30 o'clock A.M.

Present: His Honor Webster Street Chief Justice.
" " Geo. A. Davis Associate Justice.
" " Richard E. Sloan " "
Thomas Grindell - Clerk.
United States Attorney.
" " Marshal.

W. F. Calderwood, Crier.
Dean Woodward Sheriff.
and the following proceedings were had to-wit:

Estate of Peter Peterson }
Petition to Probate Will }

No. 138. In the Matter of the Estate of Peter Peterson, deceased.

Motion

San Miguel Consolidated Canals
Appellant

No. 139. vs.

Territory of Arizona
Respondent.

The motion of Respondent herein to dismiss appeal, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion to dismiss be and the same is hereby granted.

Peter Peterson,
Plaintiff

No. 145 vs.

Territory of Arizona,
Defendant.

It is ordered that the motion to affirm heretofore filed herein by Defendant, be submitted.

Peter P. Trader Jr.,
Appellant.

No. 148. vs.

Territory of Arizona
Respondent.

[illegible]

[illegible] Appellant,

No. 738. ✓ vs.

[illegible] Appellees.

[illegible] February 10th, 1898, said cause coming on to be heard upon appellees' motion to dismiss appeal, and upon the record herein, and it appearing to the court that said motion should be sustained, it is therefore considered, ordered and adjudged by the court that said appeal be and the same is hereby dismissed at appellant's costs, for which let execution issue.

[illegible]

[illegible]

Peter P. Brady,
Petitioner
vs.
Pa. 144: ✓
Dorothy A. Hagan,
Respondent.

On motion of Mr. Hildebrand, attorney for petitioner it is ordered that service of the rule granted herein on the respondent by publication be dispensed with.

[illegible]

[illegible]

Adjourned that this Court stand adjourned until
Friday January 22nd at 2:30 o'clock P.M.
Robert Street Chief Justice
Richard E. Fleming Associate Justice
Elizabeth M. Dean
Leo F. Dean

Tuesday, January 22nd, 1924.

Court met pursuant to adjournment. Present: Hon. Robert Street, Chief Justice.
Hon. Richard E. Fleming, Associate Justice.
" Elizabeth M. Dean, " "
" " Leonora E. Stacey, " "
Thomas Priestley, Clerk.
Charles Whitney, Sheriff.
Frank Bennett, Bailiff.

[illegible]

(illegible) Appellant,

No. 653 ✓ vs.

James Wilson,

Appellee.

Mr. Assistant Atty. Gen. McCullough and Mr. Jones for appellant attorneys for appellee.

Mr. Assistant Atty. Gen. McCullough moves the court for an order that the record upon the transcript of appeal herein be remitted to the Supreme Court of the United States. Mr. Jones objects to the granting of said motion until this afternoon in which to file brief of facts.

On motion of Mr. Assistant Atty. Gen. McCullough, it is ordered that the writ of certificate from the District Court of the United States for the District of Nebraska be issued in this cause, upon the Clerk of this Court giving the requisite bond.

(illegible)

vs.

(illegible)

(illegible)

June 22nd 1920

[illegible] Appellants,

vs.

William Christy,

Appellee.

No. 705 V

Appeal from Jackson County.

Hon. [illegible] Judge.

Now on this day come the parties by their attorneys and this cause is submitted to the court for decision.

No. 20 V

vs.

The Citizens Queen Consolidated Mining Company, a corporation,

Appellee.

Appeal from Jackson County.

Hon. [illegible] Judge.

[illegible]

Argument continued until to-morrow.

Territory of Arizona } Supreme Court, December 23rd 1910.

Court opened, pursuant to adjournment, at 9:30 o'clock A. M.

Present, Hon. [illegible] Chief Justice.

" " [illegible] Associate Justice.

" " [illegible] " "

" " [illegible] " "

[illegible] Clerk.

[illegible] State's Attorney-

[illegible]

" [illegible]

U. S. Attorney Geo.

Asst. U. S. Attorney

[illegible]

[illegible]

[illegible]

[illegible]

January 23rd 1900

No. 6552 ✓

Plaintiff

vs.

Defendant

Petition of Plaintiff, Pro Confesso entered, Testimony taken, Submitted to Court, and Decree rendered in favor of Plaintiff.

C. C. Dagget

Plaintiff

No. 6553 ✓

vs.

Simeon Wilcox,

Defendant:

Now this cause, Mr. J. H. Bradbury, attorney for Plaintiff moves for an order allowing Plaintiff to file Supplemental Petition herein, and leave granted to file Motion for Allowance of Alimony.

Minnie Estelle Wilcox, Administratrix of the Estate of Mahlon Wilcox, deceased,

Plaintiff

vs.

No. 6554 ✓

Pedro Sotelo,

Defendant

Now on this day Mr. Miller Bennett attorney for Plaintiff Administratrix moves to strike from the Docket the Petition of Plaintiff, and dismiss the Suit at Plaintiff's cost.

Jan 23rd 1903 Heard & left off Counsel.

Plaintiff

No. 618 ✓ vs.

The Western Rubber Consolidated Mining Company, a corporation,

Defendant.

Mr William Herring asks for leave that one and one-half hours in which to argue this cause - which is granted.

On motion of Mr Herring, he was granted permission to have certain papers herein printed, and allowed to withdraw the same for that purpose.

✓ This cause being continued from yesterday, was argued by Messrs Lamb & Davis and Mr. William Herring for Appellee and Mr. Thos. D. Bennett for Appellant and submitted.

Plaintiff in Error

No. 716 ✓ vs.

The Lincoln Brewing Corporation et al. Defendants in Error.

On motion of Mr. J. McCutcheon it is ordered that Mr. Thos. D. Bennett be permitted to withdraw as Counsel for Defendants in Error herein.

✓ This cause coming on to be heard on the transcript of the record from the Circuit Court of Cook County, and briefs and arguments of counsel for the respective parties, and the Court being fully advised in the premises, doth find that there is no error in the record and proceedings of said Circuit Court.

Plaintiff in Error

Defendant in Error

Supreme Court } January Term. A.D. 1917.
Appellate Division } Tuesday January 24th 1917.

Court opened pursuant to adjournment at 9:30 o'clock A.M.

Present: Hon. Newton Sloat, Chief Justice.
Geo. P. Davis, Associate Justice
Fletcher M Dean " "
Richard E. Sloan " "

Thomas Grindell, Clerk.
United States Marshal.
M. H. Calderwood, Crier.
Dean Hardwood, Bailiff.

and the following business was transacted.

Sac & Fox Indian Agency and Grace Ingram, J. H. Evans, H. Schuster, M. E. Hurley and C. M. Christian, Appellants;

No. 703. ✓

vs.

Henry E. Sloan

Appellee.

In this cause, appealed from the District Court of the Third Judicial District, in and for Marion County, petition was filed by the Appellee to proceed the case and papers for further proceedings.

After citation by the Court of the Coroner's return, said motion was amended and denied. The Court having further considered the petition, said papers and papers [illegible] and from the Appellants herein and

Jan. 24. 1933

Charles J. Falk and Thos. H. Everleigh, [illegible]

[illegible]

C. C. Dagger

Appellant

No. 653. v

vs.

Jacob Sidney,

Appellee

In this cause, it is ordered that the Appellee file
Abstract & the Reference Court of the United States, filed
herein by Appellant, in said cause in this Court.

Chas. M. Fischer,

Appellant,

No. [illegible] v

vs.

C. C. Fischer,

Appellee.

It is ordered that the Appellee in the above cause
[illegible]
[illegible]

Chas. M. Fischer,

Appellant

No. 654. v

vs.

C. C. Fischer,

Appellee.

It is ordered that the Appellee in the above cause
[illegible]
[illegible]

P. C. Boggs,

Appellant.

No. 653 V

vs

Jerome Wilson,

Appellee.

On motion of Mr. O. McMechen, Attorney for appellant leave is granted to file brief to-morrow, it is ordered that this cause stand under authority of this Court for hearing.

Marietta and Cincinnati and East Lake Shore Railroad Company, et al.,

Appellants,

No. 18. V

vs.

Lewis Lee Dean, Administrator of the estate of Lizzie H. Dean, deceased,

Appellee.

Upon motion of Mr. [illegible], it is ordered that this cause be [illegible].

[illegible]

No. [illegible]

vs

[illegible]

Appeal from the Circuit Court for Baltimore County.

P. J. Hopes, Wolf Sachs, Chas. Kortekamp,
J. H. Hoff, Thomas Mercer and W. J. Cairns,
Appellants,

No. 711 v

vs

Farmers and Merchants' Bank, a corporation,
Appellee.

Submitted on arguments by Thomas Mercer
Bailey & Edwards and Baker & Bennett appearing for
appellants and Mr. H. O. Weaver for appellee.

Mr. W. J. Cairns moved that the judgment of
the lower court be affirmed -

First - Because appellants failed to file their
Abstract of the Record within the time provided by the
order appealed from.

Second - Because appellants failed to file any
reasons why

Fletcher & Mc Donnell
for Appellee

Supreme Court, January Term, A.D. 1900.

Territory of Arizona, Phoenix, Thursday, January 25th. 1900.

Court opened, pursuant to adjournment, at 9:30 o'clock A.M.

Present: His Honor. Webster Street. Chief Justice.
Geo. R. Davis, Associate Justice.
Fletcher M. Doan " "
Thomas Grindell Clerk.
United States Marshal.
M. H. Calderwood. Crier.
Dean Woodward Bailiff.

and the following business was transacted.

No. 653. ✓

O. P. Dagger,
Appellant,
vs.
James Wilson,
Appellee.

On Motion of Mr. J. McAndrew, attorney for appellant he was granted a continuation of one day to file brief herein

✓ On motion of Mr. A. C. Herndon, It is ordered that Mr Samuel L Potter, who holds a certificate from the Supreme Court of Minnesota, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath

Jan. 23th 1911 number 142 the cause was, which was denied on the ...

This cause came on regularly for hearing and was argued by Mr. J.C. Harmon for Appellant and Attorney General C.F. Ainsworth for Respondent and ordered submitted.

No. 142. ✓

Joseph Fontanico,
Appellant,
vs.
Territory of Arizona
Respondent.

This cause coming on regularly for hearing was argued by Mr. L.W. Ellinwood for Appellant and Attorney General C.F. Ainsworth for Respondent, and ordered submitted.

No. 141. ✓

Pan Pantages
Appellant,
vs.
Pan Ramos.
Appellee.

On motion of Mr. L.W. Ellinwood, attorney for appellant herein, it is ordered that Mr. S.L. Patten be and he is hereby substituted as attorney for appellee.

This cause coming on regularly for hearing was argued by Mr. S.L. Patten for Appellant and Mr. S.L. Patten for Appellee and ordered submitted.

[illegible]

Jan. 26th 1904. Journal Entry,

Plaintiff

No. 694. ✓ vs

M. H. McCord, Charles Hakes, and
George H. Lichert

Defendants

On motion of Mr J. C. Kennedy, attorney for Plaintiff herein, It is ordered that the time be and is enlarged to file Statement of Facts.

George Schuerman, D. E. Draper, and
J. C. Fenton,

Appellants

No. 709. ✓ vs.

Granting of Original

Appellees.

This cause coming on to be heard for hearing, and
argued by Mr. Chas. Hakes for Plaintiff and Mr. Jno.
Dillon and Mr. Chamberlain for Defendant, and submitted to the

Supreme Court for Lower Canada
Montreal

Dr Jag ✓

Plaintiffs in Error

vs

Elenor E. McFarland and Chas. N. Barker
Defendants in error

Error to the Superior Court for Lower Canada

McFarland & Barker.

Defendants in Error.

This cause coming on regularly for hearing and argued by Mr. Abbott for Plaintiffs in Error and Mr. J. L. Morris for Defendants in Error and submitted and submitted

On consideration of this Court is ordered that the Court below do give judgment affirmed.

Present Chief Justice Strong and Associate Justices Taschereau Gwynne and Sedgewick and Henry. and the Clerk

The following Decision was announced.

In this cause on the reasons given by the Court of Queens Bench for the District of Montreal and on the reasons given by Lloyd

Jan 26 1900

Jennette, deceased, late Clerk, given the first day of March, 1899, to the thirty-first day of December, 1899, with the privilege thereof, in the presence of the United States District Attorney, and he, by his oath, attached to the account, known to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated; and it appearing said charges appear to be just and according to law, It is hereby ordered that said account, amounting to Thirty-three and 20/100 ($33.20) Dollars, be and the same is hereby approved.

Dated January 26th, 1900.

Webster Street,
Chief Justice Supreme Court, Arizona.

J. C. Adams, and Anna D. Adams,
Appellants

vs.

No. 617. V

George O'Connor and O. O. Cottrell, under the firm name of O'Connor & Cottrell.
Appellees.

(Appeal from the District Court for Cochise County, First Judicial District.)

(Case settled)

Plaintiff

vs.

Defendant

It is ordered that the [illegible]

Dismissed.

[illegible] adjourned Court to this date and place to-wit
Tuesday March 26th inst, at 9:30 o'clock A.M.

Charles Steel Chief Justice
Thomas E. Jones Associate Justice
Hezekiah M. Jones " "
Jno. T. Jones " "

Sergeant Crier } Summoned Jurors, viz: [illegible]
Deputy Sheriff } Sworn, Monday, March 26th 1860
Court adjourned to 9 o'clock A.M.

Present: Hon. Thos. Hemphill Chief Justice.
Hon. [illegible] Associate "
[illegible] " "
[illegible] " "
[illegible] Sheriff.
[illegible] Clerk.
[illegible] Attorneys.
[illegible] Sergeant.
[illegible] Crier.
[illegible]

[illegible]

[illegible]

Dec. 14 '18 ✓ 75

[illegible]

[illegible]

Our practice of attorney for [illegible] is [illegible] that this power be [illegible] and be [illegible] [illegible]

[illegible]

[illegible]

[illegible]

No. 733

... Court of the Eighth Judicial District of the State of Nevada, in and for the County of Lincoln, in accordance with the terms of the Mandate received and filed herein.

Jeremiah Nixon, Allen Nichols and Thomas Hackley, deceased,

Appellants

vs.

No. 377.

The Hard Metals Mining and Reduction Company, a Corporation,

Defendant.

Stipulation to the reinstatement of the Cause and that Defendant's Answer may be Filed.

It is hereby stipulated by and between the parties hereto, that the Court of the United States, and the Marshal of said District of Nevada, may be directed to return to the Clerk of this Court the Transcript on Appeal herein, and the Bond on Appeal, and the Citation issued herein, and that the Defendant may have leave to file its Answer herein.

Dated this 7th day of March, 1870.

Wm. M. Stewart, Attorney for Appellants.

Wm. M. Stewart, Attorney for Defendant.

And now, on motion of Mr. Wm. M. Stewart, counsel for the Court

[illegible]

[illegible]

[illegible]

Dollars and hundredth in the amount

Mehrere ...

No. 136.

No. 694

Samuel M. Price,

Appellant,

vs.

E. E. Rector,

Respondent.

This cause coming on to be heard upon the Transcript of the Record herein, and upon motion of Appellant's counsel, it is ordered, adjudged and decreed that the Appellant have and recover of and from Samuel M. Price, Appellant herein, his costs herein expended and that the Appellant have execution therefor out of this Court.

And it appearing to the Court that the Appellant has filed herein a bond in the sum of Two Hundred Dollars, conditioned as required by law, and that said bond is sufficient,

It is further ordered, adjudged and decreed that the Respondent herein do have and recover of and from Samuel M. Price, Appellant herein his costs incurred in this Court taxed at Dollars, and his costs in the District Court taxed at $

E. A. Hilbee,

Appellant

vs. 7900. v

vs.

The King of Arizona Mining and Milling Company, a corporation,

Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises, it is considered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from E. A. Hilbee, the appellant herein, and John Vandolfo and E. F. Sanguinetti, sureties on appeal and their sureties in this court taped at Fifty-three and 40/100 ($53.40) Dollars, and also costs in the lower court in this cause incurred, taxed at Five hundred and twenty-seven and 95/100 ($527.95) Dollars with interest thereon from October 1st 1898, until paid at the rate of seven per cent per annum.

The National Surety Co.

Appellant

vs. 7901. v

vs.

Daniel H. King,

Appellee.

[illegible] vs.

J. H. Wolf, Thomas Marron, and D. J. Curry,
Appellees.

No. 711. vs.

Farmers and Merchants Bank, a corporation,
Appellee.

This cause having been theretofore perfected and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from P. J. Myers, Wolf Bachs, Chas. Goldman, J. H. Wolf, Thomas Marron and D. J. Curry, appellants herein and Thos. Nicholas and E. J. Frankenberg, sureties on Appeal Bond, the sum of three thousand two hundred forty and 96/100 ($3240.96) Dollars with interest thereon at the rate of 7 per cent per annum from November 6th 1896 until paid; together with his costs in this court incurred herein taxed at seventeen and 50/100 ($17.50) Dollars and his costs in the District Court taxed at fifty six and 45/100 ($56.45) Dollars.

[illegible]
Appellee.

vs.

[illegible]
Appellee:

This cause having been [illegible] and the Court having considered the same, and the Court being [illegible] and being fully advised in the premises, and it [illegible] that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from [illegible] and D. J. Curry, appellants herein and Thos. Nicholas and E. J. Frankenberg, sureties on Appeal Bond, the sum of three thousand two hundred forty and 96/100 ($3240.96) Dollars and interest thereon at the rate of 7 per cent per annum from November 6th 1896 until paid; together with his costs in this Court incurred herein taxed at [illegible] and his costs in the Court below

[illegible]

No. 719. V [illegible]

[illegible]

[illegible] Court Room, [illegible]

[illegible]

[illegible] Court Term [illegible] Court, and the Court having [illegible] the pleadings and proof offered in the cause and [illegible] that the judgment of the District Court [illegible] should be affirmed.

It is therefore considered, adjudged and decreed that the defendant herein do have and recover of and from Frank M. Muir, the plaintiff herein and Theo. Gubler and A.J. Griswold sureties on appeal bond, their costs in this court incurred herein, taxed at twenty-nine and 20/100 ($29.20) Dollars and their costs in the District Court taxed at sixty eight and 20/100 ($68.20) Dollars.

[illegible]

[illegible] judgment [illegible]

[illegible] and [illegible] third [illegible] and [illegible] Court [illegible] taxed at Eleven and 40/100 ($11.40) Dollars and [illegible] the District Court in this cause incurred.

taxed at $

Wallace

to have and recover of and from the said plaintiffs Jacob Dunghardy, A.J. Reed, J. Wilson; William Mumbo, J. Gardner; W.T. Brown; H. McCarter; G.G. Brecht; R.R. Frederick; E.N. Wells; Willis, Morris Goldwater; E. Block; Chas. A. Duke; Henry Brinkmeyer; Jake Marks; R.H. Brannister; Harry Brisley and J.N. McCandless; and the sum of Eighteen Hundred Dollars, the amount of said Bond, its odds in this Court and Interest at twenty per cent per annum (22.50) and his costs in the District Court taxed at Twenty-seven ($27.50) Dollars; together with all damages which the said defendants may sustain by the act levying the taxes directed by said judgment of the district court certifying the same to the County Treasurer of said Yuma County, and the not doing the acts and things directed to be done by the said judgment; each of said Sureties being bound in the sum with of to this matter; Samuel Hill $1000.00 N.Kelly $1000.00; M.J. McKey $1000.00; Joseph Dunghardy $1000.00; A.J. Reed $1000.00; J.N. Wilson $1000.00; William Mumbo $1000.00; J.J. Gardner $1000.00; W.T. Brown $1000.00; H. McCarter $1000.00; G.G. Brecht $1000.00 R.R. Fredericks $1000.00; E.N. Wells $1000.00; F.M. Otis $1000.00; Morris Goldwater $1000.00; E. Block $1000.00; Chas. A. Duke $1000.00; Henry Brinkmeyer $1000.00; Jake Marks $1000.00; R.H. Brannister $1000.00; Harry Brisley $1000.00; J.N. McCandless $500.00.

[illegible] of Eighty-three and 85/100 ($83.85) Dollars.

It is further ordered, adjudged and decreed that the appellee Herein Charles L. Douglas do have and recover of and from William C. Miller the appellant-herein, and C.L. Cummings, F.N. Hilcott, Peter B. Adams, L.G. Overlock, C.G. York, Peter Haviland, R.H. Barr, T. Griffith, T.J. Dorsey, P. Cox and H. Aston, sureties on appeal Bond, the sum of Four thousand one hundred and twelve and 50/100 ($4112.50) Dollars, and his costs in the lower court taxed at two hundred and fifty-five and 60/100 ($255.60) Dollars, together with lawful interest upon amount of said judgment and costs from date of entering judgment in the lower court.

[illegible]

No. 718 ✓

[illegible]

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant herein, Maryland and Pennsylvania Railway Company, garnishee, and the United States Fidelity and Guaranty Company, as surety upon the appeal Bond, herein in Ohio Court Docket at Seventeen Dollars ($17.00) and no cents in the Court Below.

[illegible]

District Court [illegible]

It is further ordered, adjudged and decreed that the appellees herein, C.L. Cummings, do have and recover of and from the appellant herein Charles W. Johnston, and Paul B. Hanrahan and S.M. Brown, sureties on appeal Bond herein, his costs in the District Court taxed at fifty-six and 95/100 ($56.95) Dollars and his costs in this Court taxed at fourteen and 25/100 ($14.25) Dollars.

Samuel H. Finley, Rosario Brown, James Finley, and William H. Barnes, Appellants,

No. 721. ✓

vs.

City of Tacoma,

Appellee.

This cause coming on to be heard on the transcript of the record from the District Court of the United States for the Western District of Washington, Northern Division, and was argued by counsel;

It is ordered, adjudged and decreed that the appellees herein do have and recover of and from Samuel H. Finley, Rosario Brown, James Finley & William H. Barnes, appellants herein, and W.P. Higgins, the sum of ... dollars ($125.00) damages, and ... dollars and ... cents ($...) for the costs and disbursements herein.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from Samuel H. Finley, Rosario Brown, James Finley & William H. Barnes, appellants herein, and W.P. Higgins, the sum of ... dollars ($125.00) damages, and ... dollars and ... cents ($...) for the costs and disbursements herein.

[illegible]

It is further ordered, adjudged and decreed that the Defendants in Error herein, do have and recover of and from the Plaintiff in Error herein, The Aetna Indemnity Company, and the United States Fidelity & Guaranty Company, a corporation, sureties on Supersedeas Bond, the sum of Thirty-five hundred ($3500.) Dollars with interest thereon at the rate of seven per cent per annum from December 1st A.D. 1898, until paid, together with their costs in the District Court taxed at sixty-two and 10/100 ($62.10) Dollars, and their costs in this Court, incurred herein, fixed at twenty-five and 40/100 ($25.40) Dollars.

W. H. Harrod

[illegible]

[illegible]

[illegible]

Rule 10

Sec. 1. All "Abstracts of Record" shall contain:

1. The pleadings, original or amended, upon which the issues were tried, omitting the title in each except the complaint or amended complaint.

2. The findings of fact and conclusions of law, or the verdict.

3. The judgment.

4. The petition for appeal.

5. The assignments of error.

6. A brief statement of the facts relied upon, with a reference to the record in support thereof, and an abstract or abstracts of the evidence,

[illegible]

Abstracts of Record and Transcripts of

from the filing [illegible] of said transcript with the Clerk of this Court.

Sec: 4. When a transcript of the Record is not filed, but an Abstract of Record is prepared; and such Abstracts of Record as are filed will be treated by the Court as containing all such portions of the Record as the parties deem sufficient, upon which to try the Assignments of Error.

Chas. A. Street, C. J.
Richards E. Sloan, A. J.
Fletcher M. Doan, A. J.
Geo. F. Davis, A. J.

Adopted this 28th day of March, A. D. 1901.

In the matter of the account of the Clerk of this Court for fees for the first seven days of the quarter ending March 31st 1901, presented for allowance the following order was made in open Court.

Whereas, Asa M. Knight, Executor of the Estate of Robert Patterson, deceased, late Clerk of the Territorial Court of the Territory of Arizona, has presented to said Court his account for the quarter ending March 31st 1901, which said account is filed herein and

[illegible] amounting to Ten and 60/100 ($10.60) Dollars, be and the same is hereby affirmed.

Dated March 28th 1900.

Wheeler Street
Chief Justice Supreme Court,
Arizona.

In the matter of the account of the Clerk of the Court for fees, claim for the quarter ending March 31st, 1900, presented for settlement; Thereupon

Thereupon Richard Gird, Clerk of the Supreme Court of the Territory of Arizona, laid before the Court for examination his official account for the fees for the quarter ending March 31st, 1900, duly verified, and the Court having examined the said account and the vouchers, and being satisfied that the same is correct, it is ordered that the said account be allowed and that the same be certified to the Board of Supervisors of Maricopa County for payment.

Whereupon this Court adjourned until
June 1st 1900, at 10 o'clock A. M.

Webster Street Chief Justice
Richard E. Sloan Associate "
Fletcher M. Doan " "
Geo. R. Davis " "

Supreme Court, } January Term, A.D. 1900
Territory of Arizona. } Phoenix, Friday, June 1st - 1900.

Court opened at 10 o'clock A. M.

Present: His Honor, Webster Street, Chief Justice.
" " Geo. R. Davis, Associate "
" " Fletcher M. Doan " "
" " Richard E. Sloan " "

Thomas Kneeland, Clerk.
U. S. Attorney
U. S. Marshal by Deputy
W. H. Caldenwood Crier.
Dean Woodward Bailiff
and the following Indictment was filed.

Samuel Shelley
Petitioner,
vs.
Nathan O. Murphy, Edward Dickens, and
Charles E. Allen, constituting the
Board of Commissioners of Pinal County
Arizona, and John Doe,
Respondents.

And now comes the said petitioner by his attorney and

January 1st 1900 (P. J. Myers, Wolf Hunter, Chas. Verfuren, Jos. Wolf, Stewart Mercier & D. J. Carey, Appellants,

No. 711. vs.

Farmers and Merchants Bank, a corporation, Appellee.

Joseph Kibbey Esq. attorney for Appellants herein, moved that he be granted leave to argue Motion for re-hearing - which motion was taken under consideration

The Consolidated Canal Company a corporation, Appellant

No. 595 vs.

The Mesa Canal Company, a corporation, Appellee.

Now comes Mr. C. M. Frazier, attorney for appellee herein, and moves the Court for leave to file Mandate from the Supreme Court of the United States in this cause - whereupon said motion was granted.

It was ordered by the Court that this cause stand determined upon the Mandate of the Supreme Court of the United States, and that Mandate of said Court having been filed in the office of the Clerk of this Court it is ordered that the Decree of the Trial Court in the District Court of the Third Judicial District of Arizona in this cause be and the same is hereby affirmed with costs in favor of the Plaintiff and Appellee.

June 1st 1900 San Francisco Recital

No. 1148 ✓

Appellant

vs.

Territory of Arizona,

Respondents

On motion of H. M. Willis Esq. it is ordered Appellant have leave to file motion for dismissal of record herein.

James L. Utter, et al,

Petitioners

No 546 ✓

vs.

Benjamin J. Franklin, C. P. Leach, and C. M. Bruce, Town Commissioners of the Territory of Arizona,

Respondents.

It is ordered that H. M. Willis Esq. have until o'clock this afternoon to file additional affidavits of C. P. Wright Rockwell, filed herein.

Answers were filed by the Court until o'clock P. M.

Also ordered that Answers, Motion Dismissal, Petitioners

" " Motion Dismissal, " "

" " Petitioners Motion, " "

" " Petitioners Brief "

[illegible]

June 1st 1906. James L. Allen et al.,

(Petitioners,

No. 546. ✓ vs.

Benjamin F. Franklin, E. O. Leitch, and C. M. Bauer, Land Commissioners of the Territory of Arizona,

(Respondents.

It is ordered that this cause be submitted on briefs - allowing Petitioners 30 days in which to record evidence and Respondents 60 days thereafter.

On motion of Mr Walter Bennett, it was ordered that Mon. H. S. Adams, who holds a Certificate from the District Court of the First Judicial District of the Territory of Arizona in and for Maricopa County, be admitted to practice in this Court.

John M. Goodrich,

complainant

vs.

No. 710 ✓

Patrick J. Hackett

respondent

On motion of Walter Bennett, it is ordered that

In re Petition of Moses K. Veltes et al.,
Petitioners
No. 546
vs.
Benjamin J. Franklin, C.O. Reiter and C.M. Bruce, Loan Commissioners of the Territory of Arizona,
Respondents.

On motion of H. H. Barnes Esq, attorney for Petitioners, It is ordered that he be allowed to take testimony before referee, C.D. Hoover.

It is ordered that this Court take a recess until tomorrow at 10 o'clock A.M.

D. Webster Street, Chief Justice
Richard E. Sloan, Associate "
Robert M. Doan, " "
Fo. T. Doan " "

Supreme Court } January Term, A.D. 1900.
Territory of Arizona } (Phoenix, Saturday, January 2nd 1900

Court opened at 10 o'clock A.M.

Present, this Honorable Supreme Court, Chief Justice:
" " Geo. P. Doan, Associate Justice
" " Robert M. Doan " "
" " Richard E. Sloan " "

Supreme Court Record

J. J. Rogers, Wolfwicke, Plaintiff,
J. H. Hall, Thomas Merrell and O. J. Cross,
Defendants

No. 711 ✓ vs.

Farmers and Merchants Bank, a
corporation,

Appellee.

It is ordered that the motion for re-hearing, filed herein by appellant, be granted, and appellant is granted 10 days to file brief on motion for re-hearing.

Francisco Varela,

Appellant

No. 148. ✓ vs.

Territory of Arizona,

Respondent.

In this cause it is ordered that the motion for Diminution of the record, filed herein by appellant be and the same is hereby granted; it is further ordered that the Clerk of the District Court of the Fourth Judicial District, of the Territory of Arizona, in and for the County of Pima, certify to this Court those certain instructions filed therein by attorney for Defendant.

Pierce Cribbs,

Appellant

No. 149 ✓ vs.

[illegible]

Respondent

It is ordered that Respondent's motion

June 5th 1911. Circuit Court of Appeals, Ninth Circuit. Order permitting

E. A. Wiltsee,

Appellant

No. 700 vs.

The King of Arizona Mining and Milling Company, a corporation,

Appellee.

It is ordered that the Judgment heretofore entered in this cause be and the same is hereby amended to read as follows:

"This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from E. A. Wiltsee the appellant herein, the costs in this Court incurred at fifty-three and 40/100 ($53.40) Dollars, and its costs in the Court below incurred in this cause incurred, taxed at the sum of ninety-seven and 95/100 ($97.95) Dollars, with interest thereon from October 1st, 1908, until paid, as the mandate of this Court to the Court below may direct, and that said appellee recover of the appellant Peter Bondello and his Sureties upon the appeal herein, the costs incurred by them in this Court, to be taxed upon the filing of the mandate herein.

James L. Utter et al.,

Petitioners

No. 5[illegible] v. vs

Benjamin F. Franklin C. P. Leitch, and C. M. Bruce, Board Comprising a part of the Territory of Arizona,

Respondents.

It is ordered that the motion for security for costs, filed herein by Respondents, be, and the same is hereby denied.

United States of America,

Appellant

No. 699 v. vs.

Lee Ching Gook,

Appellee.

In this cause it is ordered that the motion for [illegible] filed herein by appellant be and the same is hereby denied.

George Schaeppeen, [illegible]

and [illegible]

Petitioners,

No. [illegible] v. vs.

[illegible]

Respondents.

[illegible]

James Wilson Yuba Mining Company,
Appellant
No. 715 v
vs.
J. J. Gardiner,
Appellee.

In this cause, it is ordered that the motion for rehearing, filed herein by appellant, be and the same is hereby denied.

United States of America,
Appellant
No. 690 v
vs.
Copper Queen Consolidated Mining Company, a corporation,
Appellee.

In this cause it is ordered that the motion for re-hearing filed herein by appellant be and the same is hereby denied.

William C Miller,
Appellant,
No 716 v
vs.
Chester L Douglas,
Appellee.

[illegible]

John M. Gardiner,
Appellant
vs.
No. 710 ✓
Jehoida J. Gardiner,
Appellee.

In this cause Mr C. F. Ainsworth, attorney for appellant, in open court, gave notice of appeal from the judgment of this Court to the Supreme Court of the United States, and moved the Court that it fix the amount of the Bond on appeal and that the Remittitur herein be stayed for sixty days.

Whereupon, it was ordered by the court, that the amount of the Cost Bond on appeal in this cause be fixed in the sum of one thousand dollars, and that the Remittitur herein be stayed for sixty days.

United States of America
Appellant
vs.
No. 690 ✓
Salmon Knee Consolidated Mining Company, a corporation;
Appellee.

On motion of William C. Herring Esq., attorney for Appellee herein, It is ordered that the time heretofore fixed within which to file Motions to Dismiss herein

George Schneeman, M. E. Norman,
Isaac H. Brashears,
Appellants;
No. 709. ✓
vs.
Territory of Arizona
Appellee.

On this cause Mr Reese M. Ling, attorney for appellants

June 21 1900 ... in this Court your petition of appeal from the judgment of this Court to the Supreme Court of the United States, and caused the Court that if for the amount of the Bond on appeal and that the Remittitur herein, be stayed for sixty days. Whereupon, it was ordered by the Court that the amount of the Cost Bond on appeal in this cause, be fixed in the sum of one thousand dollars, and that the Remittitur herein be stayed for sixty days.

No. 552 ✓

James F. Simms,
Appellant
vs.
Hannah F. Simms,
Appellee.

It appearing to the satisfaction of the Court that this cause has been determined upon appeal to the Supreme Court of the United States and the Mandate of said Court having heretofore filed in the office of the clerk of this Court, (from) upon motion of Walter Bennett Esq. attorney for appellee; It is ordered that a Remittitur issue from this Court directed to the District Court of the Third Judicial District of the Territory of Arizona; in and for the county of Maricopa in accordance with the terms of the Mandate, received and filed herein.

No. 690 ✓

United States of America
Appellant
vs.
Copper Queen Consolidated Mining Company, a corporation,
Appellee.

In this cause

Mr. T. D Bennett, attorney for appellant herein, in open court gave notice of appeal in this cause to the Supreme Court of the United States and prayed the Court for an allowance of such an appeal, Whereupon it was ordered by the court that appellant herein be allowed an appeal to the Supreme Court of the United States from the judgment of this court herein upon appellant executing and filing with the clerk of this court a bond in the sum of
approved according to law.

It is hereby ordered that an adjourned term of the Supreme Court of Arizona, be held at the City of Phoenix, Arizona, on Thursday the Eighth day of November 1900; as provided by Section 1934 of the Revised Statutes of the United States.

Done in open Court this second day of June A.D. 1900.

Rebert W Street
Richard E Sloan
Fletcher M. Doan.
Geo. R. Davis
Justices of the Supreme Court.

Frank H. Reese

vs

Geo. R. Davis, Geo. R. Mech
and Geo. R. Mech executor

appellee.

It is hereby ordered that the motion for re-hearing, filed herein by appellant be and the same is hereby denied.

of the Mortgage, and the Mortgage aforesaid Conveyance to Beekman Field in the office of the clerk of Queens County, whereas Mr. R. N. Chalmers, attorney for Broadbent in Error, Alleged that no Recital was found in said Court directed to the District Court held in said District of the County of Queens, in and for the County of Queens in connexion with the Transcript of the Mandate received and filed here in

[illegible] Supreme Council of the
[illegible] Legion,
( )
Appellant

No. 741 v vs.

The Secretary of State as Comptroller
of C.F. Adams, Attorney General of
the said Secretary,
Appellee.

Counsel heard H.C. Bothwell Esq., attorney for Appellant
praying, and reasons filed and that this cause be placed on
the Calendar to be argued for dismissal & whereupon
the Court ordered that said motion be granted.

Henry E. Alvord,
Appellant,

No. 742 vs.

Illinois River Railroad Company
a corporation,
Appellee.

On motion of H.H. Bithell Esq., Counsel for
Appellee, it is ordered that the Appellant file
Assignments of Error by Sept. &c.

No. 7[illegible] of [illegible]

[illegible]

Plaintiff(s),

vs.

The Provincial Council Company,

Defendants.

Upon reading the Affidavit of [illegible] and upon hearing Counsel for the Plaintiff herein, and for the Defendants herein, and upon hearing what was alleged by Counsel aforesaid, This Court doth order that [illegible]

No. 7[illegible] of [illegible]

[illegible]

Plaintiff

vs.

The Provincial Council Company,

Defendants.

Upon reading the Affidavit of [illegible] and upon hearing Counsel for the Plaintiff herein, and for the Defendants herein, and upon hearing what was alleged by Counsel aforesaid, This Court doth order that [illegible]

[illegible] the Plaintiff [illegible] the Defendants [illegible] the Plaintiff [illegible] the Defendants [illegible] the Plaintiff [illegible] the Defendants [

and the same is hereby dismissed and it is further ordered that the Appellant herein and J. M. Pratt and E. E. Pickard sureties on Appeal Bond pay all costs incurred in this court and in the Court below

The Salt River Valley Canal Company,
O. H. Evans, H. D. Sanders, Mayer Hunter, and C. H. Peirce,
Appellants

vs.

Evans & Evans

Appellees.

On motion of O. F. Ainsworth Esq. Attorney for Appellants herein, It is ordered that Transcript herein thirty days time be allowed to file brief herein.

Thomas P. Briggs et al.,
Plaintiffs & Appellants,

vs.

The Mesa Irrigating Ditch Company
et al.

Defendants & Appellees

Should Counsel of Plaintiffs
Desire Time
Appellees shall

No. 8th Term which to file brief.

Phoenix Wholesale Mail Company,
a corporation,
Appellant,
vs
E. B. Wood,
Appellee.

On motion of Thos. Armstrong Jr., attorney for appellant herein, it is ordered that he have thirty days in which to file brief herein.

No. 744

P. S. Meyer, Paul Bischof, Chas. Goldmann,
Jr. Carl, Daniel Hermann & N. Lang,
Appellants,
vs
Farmers' & Merchants' Bank,
a corporation,
Appellee.

[illegible]

In the Court of Common Pleas of Berks County

Complaint, &c. confession.

Abbottstown,

No. 784 v

vs.

Recognizance of Bail in Debt

Berks County.

Abbottstown.

On Motion of Rob. Mitchell Esq. attorney for Plaintiff Leave is given to file Declaration that he have Writ issued thereon &c.

In the Court of Common Pleas of Berks County

United States of America

Plaintiff

No. 1051. v

vs.

Trespass &c.

Abbottstown

On Motion of Rob. Mitchell, attorney for Plaintiff Leave is given to file Declaration that he have Writ issued thereon &c.

In the Court of Common Pleas of Berks County

Estate of [illegible] deceased,

Abbottstown,

No. 750

In the Matter of the Estate of [illegible], deceased,

Petitioner,

No. 748 v.

[illegible],

Respondent.

On motion of Mr. Walter Bennett, attorney for petitioner herein, it is ordered that the time within which the petitioner herein may file the abstract of record herein and thirty days thereafter in which to file brief.

In the Matter of the Estate of [illegible], deceased,

Petitioner,

No. 749 v.

[illegible],

Respondent.

On motion of Mr. Walter Bennett, attorney for petitioner herein, it is ordered that the time within which the petitioner herein may file the abstract of record herein and thirty days thereafter in which to file brief.

In the Matter of the Estate of [illegible], deceased,

Petitioner,

No. 750 v.

[illegible],

Respondent.

On motion of Mr. Walter Bennett, attorney for

[illegible]

Jesse S. Jones, Guardian etc.

Plaintiff in Error,

No 753 vs

Julius A. Jones, John A. Jones (deceased),
Paul Jones & Wagenseller, Partners,

Defendants in Error.

Error from C.C. Harris County, 11th Dist.

The Texas Direct Cotton Mfg Co. (a corporation)

et al.

Appellants.

No. 7534 vs

A.C. Frost,

Appellee.

Appeal from Harris County.

[illegible] A. D. 19[illegible]

Present Hon. Webster Street Chief Justice.

" " Richard G. Sloan Associate Justice.

" " Geo. F. Daniel " "

" " Esther M. Dunn " "

and the Clerk and the following Proceedings were had

transacted.

The Official Bond of the Clerk of this Court which reads as follows - was approved by the Court -

6999

Know all men by these Presents, That we, Thomas Reinstein of Phoenix, Arizona and the United States Fidelity and Guaranty Company of the Town of Baltimore in the State of Maryland are held and firmly bound unto the United States of America in the sum of Five Thousand Dollars, lawful money of the said United States, to be paid to the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this [illegible]

The condition of the above obligation is such, that whereas,

Seal

(U.S. Stamps 50¢) (Signed) The Mortal Storage Safety Deposit Co. (Seal)

Edwd. J. Parsons (Seal)
Pres.
(Seal) O. Levy Asst. Secty.

N.Y. Co. Jurat with usual signature

of Thomas Trindell.

Notarial Seal with usual

signature of Thomas Trindell.

(10¢ U.S. Stamps)

Signed, sealed, and delivered in presence of-

Augie G. Parker

N. E. Jarrett.

(Corporation Seal)

J. Hennessy Pilkington with Vice Pres't.

O. R. Tate with Asst. Secty.

This Deed affirmed Re-corded this 9th day of November, 1900,

Both acts form said vouchers.

Melville Street -

Chief Justice-Register.

Dated November 9th 1900.

Lewis Mortgage.

Mortgage Bond.

$10,000

The Mortgage Co. of Pennsylvania, Trustee,

Registered holder of Bonds hereinafter mentioned

(Plaintiff)

vs.

The Lewis Brass and Iron Co. (Defendant)

The Plaintiff in Error and The United States Fidelity

[illegible] and the county bd., sworn on their oath, duly exam in the cause, fixed at twenty-three [illegible] Dollars, and they exam in the District Court in this cause incurred taxed at fourteen and 25/100 [illegible] Dollars.

K. B. Case, Sheriff,
- Defendant

[illegible]

[illegible]

[illegible]

and a Quarter Dollar, a Half Dollar,
a Dollar, a Two Dollar piece,
a Three Dollar piece, a Five Dollar piece,
a Ten Dollar piece, a Twenty Dollar piece,
a Quarter Eagle, a Three Dollar piece, a Stella,
a Gold Dollar, a Gold Dollar, a Gold
Dollar, a Gold Dollar, a Gold Dollar,
a Gold Dollar, a Gold Dollar, a Gold
Dollar, a Gold Dollar, a Gold Dollar,

- 2 -

a Gold Dollar, a Gold Dollar, a Gold
Dollar, a Gold Dollar, a Gold Dollar,

[illegible] Appellants,

vs.

[illegible] Appellee.

Motion entered that the Motions for Re-hearing filed herein by Appellants be and the same are severally denied.

United States of America,
Appellant,

vs.

The Cahuga Queen Consolidated
Mining Company, a corporation,
Appellee.

Motion entered that the Motions for Re-hearing in the above entitled cause by Appellant be and the same are severally denied.

Upon reading and filing the petition of Robert E. Marriman, Attorney for Appellant herein, and upon said petition for further time to file Appellant's Assignments of Errors; it is ordered that further time be and the same is hereby granted to and including the [illegible] day of [illegible] 1900 within which to file Appellant's Assignments of Errors herein.

Henry Goldwater,

Appellant

No. 741 vs.

Henry Bowers,

Appellee.

This cause coming on to be heard before Judge Boyle and the Court having read the record and hearing arguments, and being advised in the premises, the Court is of opinion that there is no error in the judgment of the District Court and the same is therefore affirmed and defendant granted a procedendo.

It is therefore ordered, adjudged and decreed that the Appellant herein, Henry Goldwater, do have and recover of and from Henry Bowers, Appellee herein, his costs and this cause laid at Thirty-six and 40/100 ($36.40) Dollars, together with his costs in the District Court in this cause incurred.

Joseph H. Anderson,

Appellant.

No. 742. vs.

[illegible]

Appellee.

[illegible]

No. 735. v

In the matter of the Assignment of the estate of Mathew Howe, deceased,

Appellant,

vs.

E. F. Woodbell,

Appellee.

Had counsel for Bennett, Lee & Miller may for appellant herein, and counsel for the said trial court be dispensed

Whereupon the Court ordered that said petition be granted and the same is and the same is hereby dismissed.

It is further ordered, adjudged and decreed that E. F. Woodbell appellee herein, do have and recover of and from the appellant herein, her costs in the district court.

(Phoenix Mutual Life Company,

a corporation,

Appellant,

vs.

E. F. Woodbell

Appellee.

No. 736 v

On motion of Elliott, Brandenburg & Ellis, attorneys for appellant herein, it is ordered that it be allowed to recall abstract.

Mitchell Revises, Attorney for Appellant filed Petition for Rehearing and Brief

Joseph Schaumburg

Appellant,

No. 142. vs.

Territory of Arizona,

Respondent.

Comes now A. G. Harris Esq. attorney for appellant and moves for permission to file petition for re-hearing and asks for an order continuing Cause until said petition is acted upon. Whereupon the Court announces that it sees no necessity for an order.

In the matter of the account of the Clerk of this Court for fees due for the quarter ending June 30th 1901, presented for settlement, the following report is made:

I, Wm. A. Hammond, Clerk of the Supreme Court of the Territory of Arizona, do certify that the foregoing account for fees, official services rendered for the quarter ending June 30th 1901, as taxed by the Court, is correct, and that the services charged therein were actually performed, and that the fees charged therein are legal fees, and that no part thereof has been paid to me, and I hereby certify that upon

[illegible] Clerk's office, [illegible]
[illegible] Clerk of the Court for the
Quarter ending September 30th 1900
presented for allowance, the
following order was made
thereon.

Recorded Oct. 1900 [illegible]
Chief Justice Supreme Court, Territory of Arizona

In the matter of the account of the Clerk of the Court for the quarter ending September 30th 1900 presented for allowance, the following order was made thereon.

It appearing to the Court, that the Clerk of the District Court of the Territory of Arizona, has rendered to this Court his account for official services for the quarter ending September 30th 1900, with the items thereof, in the performance of the duties of Clerk of said District Court, and has therein charged to the satisfaction of this Court that the services therein charged have been actually rendered, necessarily performed, and that the charges therein made are reasonable; and it appearing that the account is correctly stated, according to the fees allowed by law for such services, it is hereby

Ordered, that the same be allowed.

Recorded Oct 1900

Chief Justice Supreme Court, Territory of Arizona

1901.

Rachel Miller, Administratrix of the Estate of Isaac S. Miller, deceased, Rachel Miller, Priscilla Miller, Cornelius M. Miller, Executor of Esther Forster, Hiram Miller, Rachel Miller, Lewis L. Miller, Hester H. Miller, Hannah M. Miller, Caleb L. Miller, Hester H. Miller, Edward L. Miller, Rachel Miller, Isaac Miller, Rachel Miller, Mary Miller, Rachel Miller, Ellen Miller,

vs.

Appellees.

No. 755. ✓

Now to wit,

Appellee

Now to wit, the hearing of this cause to be had for January 30th.

Appellee

Now to wit, the Appellees, by their Solicitor, Appellee

Now to wit, the Appellees, by their Solicitor, Appellee

Now to wit, the Appellees, by their Solicitor,

Dec. 14th 1901

No. 147

Lizzie Steele,

Appellant;

vs.

United States of America,

Appellee.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause coming on to be heard upon the transcript of the record herein and upon the motion of the appellee to dismiss the appeal herein, and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be granted and the appeal herein dismissed.

No. 554.

Charles Cassell,

Appellant;

vs.

Lucia Burch; Executrix of the Will of Lucretia Heath, deceased,

Appellee.

Stipulation as to printing of portions of transcript of record, determined upon to be used in the Supreme Court of the United States and the Mandate of said Court herein. Filed in the office of the Clerk of this Court, December 10th, 1901, upon motion of Wm. H. Wilkerson for appellant it is ordered that a transcript of record from this Court be directed to the District Court of the United States for the Northern District of Illinois in accordance with the terms of the Mandate received and filed herein.

Record of said Justice Court Dismissed the entire case of Court Costs in favor of Defendant Two hundred seventy-one and 80/100 ($271.80) Dollars, and the costs in the District Court and have execution therefor; and a new trial granted.

Amount of Appellant's costs in United States Supreme Court Four Hundred and sixty-seven Dollars

A. Simmons Smith,
Appellant

vs.

The Chicago, Rock Island & Pacific Railway Co. and The Chicago, Rock Island & Mexican Railway Co. Appellees,

Appellees.

Wiley M. Morgan, attorney for appellant moved the Court for 10 days in which to file the Record in said cause, which was granted that cause be placed on Calendar. thereupon it was ordered that said motion be denied.

It was ordered that the appellant be granted until January 15th to show cause for not having filed record

Wiley M. Morgan, attorney for appellant moved the Court for 10 days in which to file the Record in said cause, which was granted that cause be placed on Calendar. thereupon it was ordered that said motion be denied.

It was ordered that the appellant be granted until January 15th to show cause for not having filed record

No. 1550.

vs.

The Chicago, Rock Island & Pacific Railway Co.

Appellee.

Appeal from Galveston.

It was ordered that the appellant be charged from the 18th day of January.

Jan. 14th 1901

The Court reconvened at Chief Justice Fuller's chambers pursuant to adjournment, January 15th at 9:30 o'clock A.M.

Present: Webster Street Chief Justice
Richard E. Sloan Associate "
Hubert M. Sloan " "
Geo. T. Sloan " "

[illegible] Chief Justice, 1901.
[illegible] January 15th, 1901,
[illegible]
[illegible] Chief Justice.
[illegible] Associate Justice
[illegible] " "
[illegible] " "
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
and the following proceedings were had.

The Petitioners and
Cattle Petitioners,
- Appellants

vs. No. 154. 25.

Hearing of Argument
Continued.

It is ordered that the Hearing of this cause
be set for January 18th.

January 1871

No. 758

In the Matter of the Petition of

The Mayor, Aldermen and Commonalty of the City of New York, and

Philip Dorlon, Commissioner of Public Works, respectively,

Petitioners.

Recommended by Frank Cox, Esq. Attorney for petitioners that it is ordered that the time to answer petitioners be fixed one week.

Henry Hilton,

Petitioner's Attorney.

Filed Jan. 3. 1871.

Lucius C. Clark, Mayor of the City of New York, Respondent.

Order appointing hearing of this cause be next for the week 18th.

The petitioners, Mayor, Aldermen and Commonalty of the City of New York, and Philip Dorlon, Commissioner of Public Works, respectively, having presented to this Court their petition, duly verified the 30th day of December, 1870, praying that a writ of certiorari may issue to review the proceedings of the Board of Assessors, and the Board of Revision and Correction of Assessments, in the matter of the assessment for benefit, and the confirmation thereof, of the assessment for benefit, and the confirmation thereof, of the assessment for benefit, and the confirmation thereof,

Henry E. Slosser,
Appellant,
vs.
Salt River Valley Canal
Company, a corporation,
Appellee.

No. 707.

It is ordered that the motions to strike out
Abstract and affirm the Judgment be continued
in that Abstract to strike from records and
Brief Rule 10.

No. 16th Inch. Rule 10. [illegible] is further ordered that the motion to affirm be denied.

It is further ordered that Appellant be granted 3 days in which to file Amended Abstract.

No 742. It is further ordered that Motion to Strike Abstract be granted and Motion to affirm Judgment be denied. ordered that

Jesse J. Jones, Guardian, etc.
Plaintiff in Error.

No. 753. vs.

John A. Jones and John A. Jones
Administrator, and
James B. Megrath, Intervenor,
Defendants in Error.

This cause coming on to be heard and reviewed by the District Court having jurisdiction before submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be granted and the cause be and the same is hereby dismissed and remanded to the District Court.

Lewis Wolfley,
Plaintiff in Error,

No. 725 vs

H. T. and C. D. Brown, co-partners,
doing business under the firm
name and style of Brown Brothers,
Defendants in Error.

In this cause it is ordered that the motion for re-hearing, filed herein by Plaintiff in Error the same is denied.

No. 726. Charles N. Newhall,
Plaintiff in Error,
vs
J. N. Porter,
Defendant in Error.

In this cause it is ordered that the motion for re-hearing, filed herein by Plaintiff in Error, be and the same is hereby denied.

No. 142. Joseph Saucedo,
Appellant,
vs
Territory of Arizona,
Respondent.

In this cause it is ordered that the motion for re-hearing, filed herein by Appellant, be and the same is hereby granted. and re-hearing ~~ordered~~ set for January 30th.

No. 621 A. L. Johns, P. Ed. Daggs,
W. A. Daggs, A. J. Daggs
Appellants.
vs.
James Wilson,
Appellee.

It is ordered by the Court, that the motion for Rehearing, and leave to file Brief of Appellants in support thereof, be and the same are hereby granted.

Jan. 16-1901.

The Territory of Arizona, on the complaint of C.F. Ainsworth, Attorney General,

Appellant

No. 736.

vs.

The Fort Wayne Gold Production Company, a corporation,

Appellee.

On motion of Mr Walter Bennett, attorney for appellee herein, it is ordered that he have leave to file motion to affirm judgment.

Thomas C. Biggs, et als,

Plaintiffs and Appellants,

No. 744.

vs.

The Utah Irrigating Ditch Company, et als,

Defendants and Appellees.

Elwood Hadley, United States Indian Agent,

Intervenor and Appellant.

On motion of Mr H. H. Stilwell, attorney for Plaintiffs and Appellants, it is ordered that he have 2 days in which to file Amended Abstract.

Charles Goldman, as administrator of the estate of M. Warner, deceased,

Appellant,

No. 747.

vs.

F. K. Schultz,

Appellee.

On motion of Mr. Walter Bennett, attorney for [illegible]

No. 748.

Charles Goldmann, administrator of the estate of M. Hammer, deceased,
Appellant,
vs.
Jerry Millay,
Appellee.

On motion of Mr. Walter Bennett, attorney for Appellant, it is ordered that he have 3 days in which to file Amended Abstract.

No. 749.

J. M. Allen and W. C. Carey,
Appellants,
vs.
J. N. Evans, administrator of the estate of Robert Swede, deceased
Appellee.

On motion of Mr. Walter Bennett, attorney for Appellant, it is ordered that he have 3 days in which to file Amended Abstract.

No. 750.

[illegible] City Attorney, Receiver, and Ex Officio Collector of the County of Mercer,
Appellants,
vs.
J. N. Evans, administrator of the estate of Robert Swede, deceased,
Appellee.

On motion of [illegible]

It is ordered that this cause be set down for hearing on Tuesday, January 17th at 9:30 o'clock A.M.

Webster Street — Chief Justice.
Richard E. Sloan — Associate Justice;
Stephen M. Dawson — " "
Geo. T. Brown — " "

Supreme Court, } January Term, A.D. 1901.
Territory of Arizona, } Phoenix, Thursday, January 17th 1901.

Court opened at 9:30 o'clock A.M.

Present: The Hon. Webster Street, Chief Justice.
Richard E. Sloan, Associate " "
Stephen M. Dawson, " " "
Geo. T. Brown, " " "
and the following Officers and Counsel.

No. 758. ✓

D. Diego Gomez;
Appellant
vs.
The Cerro de Oro Mining Company, and
The Cerro de Oro Mining and
Milling Company, corporations,
Appellees.

On motion of J. F. Conway, it is ordered that he have time to settle counter affidavit on behalf of appellant herein.

Jan. 17. 1901

No. 150 ✓

Wiley M. Morgan, sued as Wiley Morgan,

Appellant,

vs.

Territory of Arizona,

Respondent.

On motion of A.C. Baker Esq. attorney for appellant herein, it is ordered that the hearing of this cause be changed from the 21st to the 25th of January.

No. 746. ✓

J. M. Ward,

Appellant,

vs.

David Hardenburg and Moses H. Sherman,

Appellees.

On motion of Mr. A.J. Edwards, attorney for appellee herein, it is ordered that action on motion of appellee to strike out Abstract and affirm Judgment, be deferred until Tuesday, January 22nd. 1901.

No. 734 ✓

Copper Queen Consolidated Mining Company, a corporation,

Appellant

vs.

The Board of Equalization of Cochise County,

Appellee.

[illegible]

Court ordered that Court take a recess until to-morrow, January 18th at 9-30 o'clock A.M.

Webster Street Chief Justice.
Richard E. Sloan Associate Justice.
Stephen A. Doan " "
Edward F. Cooper " "

Supreme Court } January Term. A.D. 1901.
Territory of Arizona. } Phoenix, Friday, January 18th, 1901.

Court met pursuant to adjournment.

Present: Hon. Webster Street Chief Justice.
" " Richard E. Sloan Associate Justice
" " Stephen A. Doan " "
" " Edward F. Cooper " "

and the following business was transacted.

Comes now Mr. E.J. Edwards and moves the Court that Mr Oscar C. Stone, who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona in and for the County of Graham, be admitted to practice in this Court, Mr Stone entering present the Court took the motion under consideration

Dan Sullivan and Nettie Sullivan
Appellants

vs.

[illegible]

Mr. C.F. Ainsworth, attorney for Respondent, suggested that this cause be dismissed for want of prosecution.

No. 743.

George Maulsby,
Appellant and Petitioner,
vs
Gust. A. Hoff, Mayor of the City of Tucson, Arizona,
Appellee and Respondent.

On motion of Col. Wm Herring, attorney for Appellant Herring, it is ordered that he have permission to enter case authority and brief.

This cause coming on to be heard was argued by Col. Herring for Appellant and by Rochester Ford Esq. for Appellee and cause ordered submitted.

In the matter of the account of the Clerk of this Court for per diem, for the quarter ending December 31st, 1900, presented for allowance, the following order was made nisi upon record.

Whereas, Thomas Grindell, Clerk of the Supreme Court of the Territory of Arizona, has presented his official account for per diem for the quarter ending the 31st day of October, 1900, to the District Judge of Pima County, and the Supreme Court of the Territory of Arizona, and the Attorney General, and the Solicitor General, and the Secretary of the Territory of Arizona, and the Auditor of the Territory of Arizona, and the Treasurer of the Territory of Arizona, and the Governor of the Territory of Arizona, and the Superintendent of Public Instruction of the Territory of Arizona, and the Superintendent of Public Instruction of the Territory of Arizona, and the Superintendent of Public Instruction

Jan. 14 1901 Hereby ordered that said account, amounting to Five Hundred and sixty-six and 70/100 ($566.70) Dollars, be, and the same is hereby approved.

It is hereby certified that upon each day for which a per diem is charged in this account, the Court was in session for business and the Judges present and presiding.

Jan. 18th 1901.

Melville W. Fuller,
Chief Justice of the United States
and Circuit Justice of the Eighth Circuit.

It is ordered that the Marshal take a receipt
[illegible]

Melville W. Fuller, Chief Justice
Richard E. Sloan, Associate "
Fletcher M. Doan, " "
Geo. T. Davis, " "

Judicial Circuit } Jan. 18th 1901.
Territory of Arizona. } Phoenix, Monday, January 21st 1901.
Court opened at 9:30 o'clock A.M.

Present, Hon. Melville W. Fuller, Chief Justice.
" " Hon. R. Daniel, Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
Thomas Cornell, Clerk.
Harold Slater Marshal.
United States Attorney.
W. H. Caldenwood, Crier.
Jean Woodward Bailiff.
and the following lawyers were present:

The panel of [illegible]

District Court of the Second Judicial District of the Territory of Arizona, sitting and for the transaction of business at Prescott in Yavapai County, and admitted to practice in that Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr. E. J. Edwards, it is ordered that Mr. Charles L. Rawlins, who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, sitting and for Yavapai County, be admitted to practice in that Court upon signing the Roll of Attorneys and taking the usual oath.

A. Morgan Smith,
Appellant,
vs.
The King of Arizona Company, and
The King of Arizona Mining and
Milling Company, Corporations
Appellees.

No 758.

On motion of Mr H. H. Barnes for Appellees herein, it is ordered that he have leave to file affidavit &c. long.

Mr. H. H. Barnes presented the bond of Appellees, which was approved and ordered filed.

Affidavit to stay proceedings on the judgment, and Citation on appeal filed.

480

No. 651.

Clinton B. Niver, et al.,
Appellants.
vs.
John Lawler, et al.,
Appellees.

Ordered that the motion for a hearing filed herein by appellants be and the same is hereby denied.

Upon motion of Mr. Eldridge, attorney for appellants it is ordered that a hearing be granted in the above entitled cause at 11 A.M. to-day.

No. 752.

The Chicago & Alton Railway Company,
Appellant
vs.
A. C. Kerr,
Appellee.

Upon motion of Mr. Wadsworth, attorney for appellant, it is ordered that the time be extended to and including January 23rd instead of the 20th.

No. 152.

Ed. J. Foster,
Appellant
vs.
Territory of Arizona,
Respondent.

This cause coming on to be heard upon the motion of Mr. Ed. J. Foster for appellant and Mr. Attorney General for respondent, and argument of counsel,

No. 1053. v.

[illegible] Plaintiff,

[illegible] Defendant.

No. 1053. v.

[illegible] Plaintiff,

[illegible] Respondent.

Mr. Evans, coming on to be heard upon a report
by Mr. E. Edwards for defendant and Mr. [illegible]
for Respondent, and ordered re-submitted.

No. 1054. v.

Patrick Mizer, et al,

Defendants.

No. 1054. v.

Owen Lowden, et al,

Defendants.

On motion of Mr Hutchinson for defendants, it is
ordered that the cause be set down for hearing
ex parte. Mr. J.C. Hancock objects to last paragraph in
petition.

On motion of Mr Gallagher, it is ordered that the
cause be set down peremptorily with reference to [illegible]
[illegible]. Mr Hutchinson states that a cause [illegible]
[illegible] for hearing [illegible]

Northern Court, } Sessions begun, A.D. 1901.
Territory of Michigan } Alpena, Tuesday, January 22nd 1901.

Court opened at 9.30 o'clock A.M.

Present, Hon Honor, Webster Street, Chief Justice.
" " Geo. R. Davis Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
Thomas Grindell, Clerk
United States Marshal.
United States Attorney.
M. H. Calderwood, Crier.
Dean Woodward Bailiff.

and the following business was transacted.

The Iron Dance Gold Mining Company,
a corporation; and L. A. Davis,

Appellants,

752 vs

A. C. Grant,

Appellee.

On motion of Mr. E. M. Sanford, attorney for appellants it is ordered that he have leave to file Reporter's Transcript herein

and further ordered that he have 10 days in which to file copy of same.

On motion of Mr. Jas. H. McCormick, it is ordered that Mr Durelle F. Gliddon, who holds a certificate from the Circuit Court of Jackson County, State of Michigan, be admitted to practice in this Court, upon presenting to the Clerk of this Court and taking the usual oath.

No. 733

D. H. Cummings, Daniel Lay, Returned Case,
John McCoy, Edward Murphy and E. Shields,
Appellees.

It is ordered that the Appellees herein have 15 days in which to file brief and Appellants 5 days thereafter in which to file reply. It is further ordered that this cause be submitted on Brief.

No. 736.

The Territory of Virginia, on the Complaint of C. F. Ainsworth, Attorney General,
Appellant,
vs.
The First Prairie Coal Production Company, a corporation,
Appellee.

Stipulation entered into between counsel herein that the record in this Court be the same as the record in the District Court in this cause and that

No. 151

Oct. 22nd 1901.

No. 702

Rescue Dance Gold Mining Company, a corporation, and L. A. Davies,

Appellants,

vs.

A. C. Frost,

Appellee.

On motion of Mr. Gallagher attorney for appellee, it is ordered that he have leave to change pagings of Appellee's Brief.

The cause came on for hearing and was argued by Mr. W. McPherson for appellants and Mr. M. F. Gallagher for appellee and cause argued and submitted.

Decision rendered at this term the reverse until Tuesday, January 28th 1902.

Wesley Orton Chief Justice

Theodore E. Hayes Associate Justice

" "

" "

Meeting of Council

Council opened at 9.30 o'clock.

Present: Mr. Mayor, Mr. Alderman, Chief Secretary,
" " Mr. Alderman, Treasurer,
" " Mr. Alderman,
" " Mr. Alderman,
Mr. Alderman, Mr.
Mr. Alderman, Mr.
Mr. Alderman, Mr.
Mr. H. Alderwood Esquire
Deputy Alderwood Bailiff.
and the following Councillors:

Apologies for absence were received from Mr. Councillor, stating that
he was detained at Meeting of Committee, and Mr. Councillor
Mr. Councillor, who was also absent.

Minutes of last Meeting,

Mr. Alderman,

seconded by Mr. Alderman,

and confirmed.

January 1901

No. 738

Martin Gould,
Appellant,
vs.
The Maricopa Canal Company,
Appellee.

This cause came on to be heard and was argued by Mr. H. H. Stilwell for appellant and by Mr. C. F. Ainsworth for appellee and cause ordered submitted.

No. 739

James G. Bivarez,
Appellant
vs.
The Maricopa Canal Company,
a corporation,
Appellee.

This cause came on to be heard and was argued by Mr. H. H. Stilwell for appellant and by Mr. C. F. Ainsworth for appellee, and cause ordered submitted.

No. 740

Jon Buckman,
Appellant
vs.
The Grand Canal Company,
a corporation, Appellee.

This cause came on for hearing and was argued by Mr. H. H. Stilwell for appellant and by Mr. C. F. Ainsworth for appellee, and submitted for decision.

The Salt River Valley Canal Company, J. W. Evans, W. D. Fulweiler, M. E. Hawley, and F. M. Christy,

Appellants,

No. 742.

vs.

Henry E. Slosser,

Appellee.

This cause coming on for hearing was argued by Mr C. F. Ainsworth for appellants and by Mr H. H. Stilwell for appellee, and ordered submitted.

On motion of Mr C. F. Ainsworth for appellants, it is ordered that he have leave to file opinion of the Court below.

It is ordered that the Motion to Dismiss, filed herein by appellee be and the same is hereby denied.

On motion of Mr. H. H. Stilwell, it is ordered that he have until January 31st in which to file Reply Brief.

On motion of Mr C. F. Ainsworth it is ordered that he have additional time to reply if desired.

It is ordered that this Court take recess until tomorrow, January 24th at 9:30 o'clock A.M.

Webster Street. (Chief Justice
Richard E. Sloan "
Fletcher M. Doan "
E. D. Kent "

Jan. 24-1901

Supreme Court, } January Term, A.D. 1901.
Territory of Arizona. } Phoenix, Thursday January 24th 1901.

Court opened at 9:30 o'clock A.M.

Present, Hon. Hosea Street, Chief Justice.
Geo. R. Davis " Associate Justice.
Richard E. Sloan " "

Thomas Blandell Clerk.
United States Marshal.
U.S. Attorney.
Official Court Reporter.
Sheriff.

Levee Valley,
Plaintiff in Error,

vs

No. 725 ✓

W. W. Webster, as Receiver,
Defendant in Error.

In this cause Mr. J.H. Kibbey attorney for Plaintiff in Error, moved the Court for an allowance of Appeal to the Supreme Court of the United States from the judgment of this Court, which motion was taken under advisement.

On motion of Mr. J.H. Kibbey it is ordered that he have permission to file Statement of Facts and Notice of Appeal.

[illegible]

[illegible]

[illegible]

No. 150 ✓

Wiley M. Morgan, individual as
Wiley Morgan,
Appellant
vs.
Territory of Arizona
(Respondent.

On motion of Mr Haggard, attorney for appellant herein, it is ordered that Messrs. Baker & Bennett be entered as associate counsel.

On motion of Mr. A. C. Baker, for appellant, it is ordered that this cause be re-set for January 26th.

No. 746 ✓

J. H. Wood,
Appellant,
vs
David Harper, Guy Wood & Hugh McLennan
Appellees.

On motion of Mr. Jas. H. Kibbey, attorney for appellant herein, it is ordered that Mr. E. J. Edwards be entered as associate counsel.

No. 744 ✓

Thomas Riggs, et al,
Plaintiffs and Appellants,
vs
The Utah Irrigating Ditch Company et al,
Defendants and Appellees,
Edward Hadley, United States Indian Agent,
Intervenor and Appellant.

On motion of Mr. Walter Bennett, attorney for Respondents
[illegible]

J. M. Hurd,

Appellant,

No. 746. ✓ vs.

David Hardenburg and Moses H. Sherman

Appellees.

This cause coming on for hearing was argued by Mr Jos. H. Kibbey and E. J. Edwards for appellant and Mr. C. F. Kimmerle and Mr. C. N. Stacy for Appellees and cause ordered submitted.

On motion of Mr Jos. H. Kibbey, it is ordered that appellant have permission to file supplemental Brief herein.

Phoenix Wholesale Meat Company,
a corporation,

Appellant

vs

No. 748 ✓ F. L. Hurd,

Appellee.

This cause coming regularly on for hearing and it being the time for adjournment, it was ordered that this cause be set for January 26th

Charles Goldman, as administrator
of the estate of M. Hornung, deceased,

Appellant

No. 747. ✓ vs

F. L. Shultz,

Appellee.

This cause coming regularly on for hearing and it being the time for adjournment, it was ordered that this cause be set for January 26th

January 1907

No. 748.

Charles Hilfenons, administrator of the estate of H. Hannan, deceased,

Appellant

vs.

Jerry Millay,

Appellee.

This cause coming on regularly for hearing and it being the time for adjournment, it is ordered that this cause be reset for January 26th.

No. 751.

In the matter of the Guardianship of the Persons and Estate of Hugo Heckendorf and Helen A. Heckendorf, minors.

Comes now Col. Wm. Hennon, for appellees and moves for early disposition of motions now pending in this cause and also cause number 757.

It is ordered that this court take a recess until to-morrow January 26th at 9:30 A.M.

Wilson Sloss Chief Justice.
Richard E. Thomas Associate "
Fletcher M. Proctor " "
Geo. T. Simpson " "

Supreme Court, } January Term A.D. 1901
Second Department } Present, Hon. Edward Patterson, etc.

Court opened at 10.00 o'clock A.M.

Present: Hon. Horace Bleakley Presiding Justice.
" " Hon. Alfred M. Brown, Associate Justice.
" " Hon. Nathan L. Jenks " "
" " Hon. Richard H. Hagan " "
Hon. Samuel Lindsay, Clerk,
Hon. Daniel O'Brien, Marshal
Hon. Frederick Cates, Attorney.
Hon. Edward Cuddeback, Crier.
Hon. Edward Schoonmaker, Bailiff.

and the following proceedings were had:

In the Matter of the Application of Mary Jane Conway and Others for Writs of Certiorari, etc.

Appellant.

vs.

The Board of Assessors of the Town of Hempstead and Others,

Respondents.

Mr. Richard H. Hagan for Appellant.

Jan. 26-1901.

No. 725.

Lewis Woolley,
Plaintiff in Error,

vs.

W.F. and C.D. Brown, co-partners,
doing business under the firm name
and style of Brown Brothers,
Defendants in Error.

It is ordered that the motion for allowance of appeal to the Supreme Court of the United States, made in open Court by the Plaintiff in Error herein, be and the same is hereby denied.

No. 148.

Francisco Garcia,
Appellant

vs.

Territory of Oregon
Respondent.

This cause coming on to be heard on the transcript and briefs of counsel and being fully advised in the premises, it is ordered that the judgment of the District Court be and the same is hereby affirmed

No. 146.

George Blackburn,
Appellant,

vs.

Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and the Court having now under consideration and the Court being advised in the premises

Jan. 26. 1901 Appeal from the District Court of the Territory of Arizona.

No. 149.

George W. Wright and David Holladay,
Appellants,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court be and the same is hereby affirmed.

Phoenix Ultramarine Mining Company,
a corporation,
Appellant,
vs.
U. S. Smelting,
Appellee.

Appeal from the District Court of the Territory of Arizona.

January 6th 1901

No. 696.

The Gila Bend Reservoir and Irrigation Company,
Appellant,

vs

Peoria Canal Company and Arizona Construction Company.

Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court be and the same is hereby affirmed.

No. 702.

L. N. Crane, Sheriff,
Appellant,

vs.

The Farmers and Merchants Bank,
Appellee.

Comes now Mr. John B. Wright, attorney for appellant and moves for order to the Clerk of the District Court to return Remittitur and Original Papers herein. The Court suggested that application for appeal be made before the Order to return Remittitur and Original Papers.

No. 707. In the matter of the Guardianship of the Person and Estate of Aaron Hugo Leckendorf and Helenita Leckendorf, formerly minors.

It is ordered that the motion to consolidate this cause with cause number 701, filed herein by appellant, be and the same is hereby denied.

No. 701. In the matter of the Guardianship of the Person and Estate of Hugo Leckendorf and Helenita Leckendorf, formerly minors.

The motion to dismiss filed herein by appellee, having heretofore submitted and by the Court taken under consideration and the Court having examined the same and being fully advised in the premises, it is ordered that said motion be and the same is hereby granted.

It is further ordered, adjudged and decreed that Louis Leckendorf, appellee herein, do have and recover of and from Hugo Leckendorf and Helenita Leckendorf, appellants herein, his costs in this cause, taxed at thirteen ($13.00) Dollars, and that execute in the District Court.

In the matter of the Guardianship

[illegible]

[illegible] having

[illegible] under consideration

[illegible] the same and being fully

January 26th 1901

advised in the premises: It is ordered that said motion be and the same is hereby denied.

It is further ordered that appellees have 15 days in which to file briefs and cause ordered submitted.

No. 150.

Wiley M. Morgan, misdeed as Wiley Morgan,

Appellant,

vs.

Territory of Arizona,

Respondent.

On motion of Attorney General C.F. Ainsworth, it is ordered that the original record be sent up to this court.

No. 725

Lewis Woolley

Plaintiff in Error,

vs

W.T. and E.D. Brown, co-partners, doing business under the firm name and style of Brown Brothers,

Defendants in Error.

On motion of Mr. J.B. Woodward, attorney for Plaintiff in Error, it is ordered that he be allowed to correct amount in affidavit of Value.

Jan. 21. 1901

Emmett D. Briggs; Wm. M. Wells, E. J. Davis, J. H. Clark, W. W. Davis, L. F. Briggs, Wm. Nesbeit, A. A. Ward, A. Noble, Mrs. R. J. Pike, Wm. Nelson, Ruth Gibson, Chas. G. Hill, J. W. Davis, W. A. Dagget, G. B. Steele, J. F. Saunders, Charles Williams, John Williams and Harvey Mains,

Plaintiffs and Respellants,

No. 744

vs.

The Utah Irrigating Ditch Company, Jedediah Johnston, W. W. Dobson, and E. E. Jones, as directors, and Thomas E. Jones, watermaster, et al.,

Defendants and Appellees.

Edward Hadley, United States Section Agent,

Intervenor and Appellant.

This cause coming on to be heard was argued by Mr. E. M. Rich and Mr. W. H. Stilwell, for Appellants, by Mr. Walter Bennett for Appellees, and by Mr. Thos. D. Bennett for Intervenor, and cause ordered submitted.

Wiley M. Morgan, deceased, and
Wiley Morgan,

Appellant

Feb. 1900

[illegible]

Jan. 26-1901

The hour for adjournment having arrived, cases numbered 745 - 747 and 748 set for hearing to day were carried over to the 28th.

It is ordered that this court take a recess until Monday, January 28th, at 9:30 o'clock A. M.

Webster Street Chief Justice.
Richard E. Sloan Associate Justice.
Fletcher M. Doan " "
Geo. R. Davis " "

Supreme Court, } January Term, A.D. 1901.
Territory of Arizona. } Phoenix, Monday January 28th 1901

Court opened at 9:30 o'clock A. M.

Present. Hon. Webster Street, Chief Justice.
" " Geo. R. Davis Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Sloan " "

Thomas Brandell Clerk.
United States Marshal.
United States Attorney
M. K. Calderwood, Crier
Dean Woodward Bailiff.

and the following proceedings were transacted.

No. 710.

Wm. M. Billups,
Appellant
vs.
The Walker Canal Enlargement and Extension Company,
Appellee.

Peers Benefit Co. and Hilda Mullen to U. S. Fidelity & Guaranty Co. and the Court having fully advised in the premises: it is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the plaintiffs herein do have and recover of and from Wm. H. Biddle, the defendant herein and The United States Fidelity & Guaranty Company, surety on Supersedeas Bond, the sum of One Thousand Eight Hundred Sixteen ($1816.00) Dollars, and the sum of Three Hundred Ninety-five and 70/100 ($395.70) Dollars, and have execution therefor.

The Title Guaranty Insurance Company,
Appellant

No 6 76. v

vs

Travis County Drainage and Navigation Conservation Company,
Appellee

Upon this cause Mr. W. S. Hoskins, attorney for appellant, moved the Court for an allowance of an appeal to the Supreme Court of the United States from the judgment and decree rendered herein by this Court on the 6th day of May A.D. 1916.

Upon consideration of the premises it is ordered that the same be and is hereby granted and that an appeal be and is hereby allowed as prayed.

Nov. 28 1901.

No. 150 v

Wiley M. Morgan, indicted as
Wiley Morgan,
Appellant.

vs.

Territory of Arizona,
Respondent

On motion of Attorney General C.F. Ainsworth, it is ordered that he have permission to file Stipulation of Clerk.

No. 748 v

Charles Goldman, administrator of the estate of M Wimmer, deceased,
Appellant

vs.

Jerry Millay,
Appellee.

On motion of Mr Bennett, attorney for appellant herein, It is ordered that he have 4 days in which to file reply briefs, and cause ordered submitted on briefs.

No. 749. v

J.M. Allen and W.B. Casey,
Appellants,

vs

J.W. Evans, administrator of the estate of Robert Varnide, deceased,
Appellee.

On motion of Mr Walter Bennett, attorney for appellants herein; It is ordered that this cause be submitted on briefs.

J. H. Allen, Esq. A. Chicago, Executor
of last Official Collector of the County of
Marion,

Appellee,

No 750 v.

vs.

J. H. Emmert, administrator of the
estate of Peter Shroyer, deceased,

Appellee.

On motion of Mr Walter Bennett, attorney for appellant,
leave is granted that this cause be permitted now [illegible]

Charles Coleman, administrator of the
estate of H. Sherman, deceased,

Appellant

No 748. v.

vs.

Jerry Milroy,

Appellee.

Mr Whitecotton, for appellant leave, cause [illegible]
[illegible] appellee [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

Charles Coleman, administrator of
the estate of H. Sherman, deceased,

Appellant

No [illegible]

[illegible]

Appellee

[illegible] cause coming on for hearing was argued

Jan-28-1901

by Mr Walter Bennett for appellant and by Mr Thos. D. Bennett for appellee and cause ordered submitted..

Phoenix Wholesale Meat Company,
a corporation,
Appellant

No. 745 v

vs.

F. B. Morse,

Appellee.

This cause coming on for hearing, was argued by Mr. Thos. Armstrong Jr. for appellant and by Mr C. F. Ainsworth for appellee, and cause ordered submitted.

It is ordered that this court take a recess until tomorrow, January 29th at 9:30 o'clock,

Webster Street Chief Justice
Richard E. Sloan Associate Justice
Stephen M. Sloan " "
Ed. T. Sloan " "

Supreme Court, } January Term A.D. 1901.
Territory of Arizona. } Phoenix, Tuesday January 29th 1901.

Court opened at 9:30 o'clock A.M.

Present His Honor Webster Street, Chief Justice
" " Geo. R. Davis, Associate Justice
" " Fletcher M. Doan " "
" " Richard E. Sloan " "

Thomas Trimble, Clerk
United States Marshal.
United States Attorney.
Wm H. Calderwood Crier,
Jean Woodward, Bailiff.

Then the following business was transacted.

U.S.C. Hord,
Appellant,
vs.
No. 46. Docket
Daniel Hernandez and Maria H. Hernandez,
Appellees.

On motion of Mr. Jno. H. Stookey, Counsel for appellees it is ordered that the cause be dismissed at the appellants cost.

On motion of Mr C.S. Nicoll, attorney for appellees it is ordered that the cause be dismissed at the appellants cost.

On motion of Mr. [illegible] it is ordered that [illegible] be admitted to practice [illegible] and taking [illegible]

No. 701) Joseph Kasterasiva,
Appellant,
No. 1182 v vs.
Territory of Arizona,
Respondent.

On motion of Mr F. H. Harris, attorney for appellant;
It is ordered that he have leave to file reply brief herein.

No 704 v N. L. Griffin,
Appellant
vs.
J. C. Hanley,
Appellee.

On motion of Mr. F. H. Harris attorney for appellant herein. It is ordered that this cause be submitted on briefs.

No 705 v Rachel Miller, administratrix of the estate of Jacob L. Miller, deceased, et al.,
Appellants
vs.
Mary F. Miller,
Appellee.

It is ordered that this cause be submitted on briefs.

It is ordered that this court take a recess until to-morrow, January 30th at 9:30 o'clock A.M.

Wm. Sloan Street, Chief Justice.
Associate Justice.
" "
" "

Fr. F. Harris
Fr. F. Harris

Nov 30-1901

J. M. Allen and D. L. Murray, Executors and Ex-Officio Tax Collector of the County of Maricopa,

Appellants,

No. 750 vs

J. W. Evans, administrator of the estate of Robert Garside, deceased,

Appellee.

attorney for appellants herein.

On motion of Mr. Walter Bennett, it is ordered that the motion for Dismission of Record be and the same is hereby granted.

The Territory of Arizona, on the relation of C. F. Ainsworth, attorney General,

Appellant

No. 756. vs.

The Town of Jerome

Appellee.

It is ordered that this cause be submitted on briefs.

Joseph Tambarino

Appellant

No. 762. vs.

Territory of Arizona,

Respondent

This cause coming on for hearing and argued by Mr. O. C. Cellins and Mr. F. W. Norris for appellant and by Mr. Reese Billings for Respondent and cause ordered submitted.

Dan. Sch'ed
(
No. 705 v.

Chas. Bell, Appellant in Error,
Executor of Isaac Funke, deceased,
F. K. Bell and Chas. Bell,
Appellees.

vs.

Nelson Christy,
Appellee.

Error to Fayette County.

This cause coming on to be heard upon the transcript of the record and briefs of counsel, and the Court having considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, Nelson Christy, do have and recover of and from the Appellants, Chas. Bell, as Executor of Isaac Funke, deceased, and F. K. Bell and Chas. Bell, Appellees herein, the sum of Thirty-three and 80/100 ($33.80) Dollars, and that execution issue out of the District Court in this cause for the same, and the further sum of Twelve dollars ($12.00) Dollars, and that execution issue therefor.

It is further ordered that a true copy of this order be certified by the Clerk of this Court to the District Court of Fayette County, Texas, for observance.

Attested to, Clerk
Supreme Court

March 18th

Supreme Court. } January Term, A.D. 1901.
Secretary of State. } Monday, March 18th 1901.

Court opened at 10 o'clock A.M.

Present: His Honor, Nelson Stewart, Chief Justice.
" " Geo. R. Dane, Associate Justice
" " Fletcher M. Doan "
" " Richard E. Sloan "
Samuel Crandell, Clerk.
United States Marshal.
United States Attorney.
M. H. Calderwood Crier.
Dean Woodward Bailiff.

The following Journal was approved.

On motion of Mr. Hathaway, it is ordered that Mr. Nathan C. Murphy, who exhibits a certificate from the District Court of the 2nd Judicial District of the State of Virginia and moves the admission to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr. Frank Cox, it is ordered that Mr. James A. Cox who exhibits a certificate from the Supreme Court ---------- of the State of Ohio, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr. Walter Bennett, it is ordered that Mr. Lee Evans, who exhibits a certificate from the District Court of the Third Judicial District of the

and the case remanded the case to the District

Nov 18th 1901

Court for such further proceedings as may be consistent with the opinion of this Court rendered herein."

Now on motion of Mr C.F. Kinnaird, for appellant it is ordered that a Remittitur issue from this Court directed to the District Court of the Third Judicial District of the Territory of Arizona, sitting for the county of Yuma, in accordance with the terms of the Mandate received and filed herein.

It is further ordered, adjudged and decreed, that the Appellant herein, do have and recover of and from the Appellees herein, the State of Arizona, for the use of Yuma County, the costs in this Court herein expended taxed at One Hundred sixty-three 10/100 ($163.10) Dollars and the costs in the District Court, and have execution therefor

No. 759.

The Colo. Grande Irrigation Company,
Plaintiff and Appellee,

vs.

William B Greene, et al.,
Defendants and Appellees,

Axel H. Halleborg and James Shirley,
Appellants.

Comes now Mr John J. Hawkins, attorney for appellants herein, and moves the Court to place cause on Calendar, whereupon the Court ordered that said motion be submitted.

Rehearing Refused Nov 1st 1875

Contempt

Appellant

No. 676.

vs.

Penal-Bond Contempt and Injunction-Bond Contempt,

Appellee.

Appellant by its attorney, J. B. Woodward moved the Court to find as a part of the Court's "Statement" of facts in the above entitled Special Verdict herein, the respective facts set forth in certain "Affidavits" severally filed herein and separated from the fifteen exceptions- which said several exceptions the Court said would be considered.

Wm. Woodward Atty for Appellant

Geo. F. Davis Atty for Appellee

Supreme Court, } January Term, A.D. 1901.
Territory of Arizona. Phoenix, Tuesday March 19th 1901.

Court opened at 9.30 o'clock A.M.

Present: His Honor, Webster Street, Chief Justice.
" " Geo. R. Davis Associate Justice.
" " Fletcher M. Doan. " "
" " Richard E. Sloan " "

Thomas Connell Clerk.
H. Neil, United States Marshal.
Neill Scott, United States Attorney.
W. H. Cardwell, Court Crier.
Reuel Gardiner, Sheriff
and the following Petit Jurors Summoned.

United States of America,
(Plaintiff,
vs.
No. 151
Peter Stark,
(Defendant.

Peter Stark the defendant in this cause, and pleaded not guilty to the Court having impaneled the panel and duly advised in the premises the Court ordered that in prosecutions under the foregoing statute (2461) the question whether or not one sells is fairly must necessarily be one of fact, dependent upon the character of the wood charged, and circumstances to have been cut or removed in each particular case, and that in the case at bar it was not a question which could properly be determined upon a demurrer to the indictment.

Mch. 19

Appellant,

vs. No. 25.

Territory of Arizona,

Respondent.

In this cause a re-hearing having heretofore granted, and the cause argued and submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises It is ordered that the judgment of the District Court be and the same is hereby affirmed.

On motion of Mr. Geo. P. Bullard, It is ordered that Mr. Antonio Ortiz, who holds a certificate from the District Court of the First Judicial District of the Territory of Arizona in and for the County of Pima, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Hon H. Baron Esq. on behalf of Committee on testimonial on death of Hon. C. W. Wright, offers the following resolutions, to be spread upon the permanent annual copy, under seal of the Court, to be prepared evidencing

Sacramento Court House, March 19th, 1901.

It is with the sincerest and profoundest regret and

[illegible]

true and [illegible]

[illegible]) [illegible]
[illegible]) [illegible]
[illegible]

Present: Hon. Hosea, Chief Justice.
" " [illegible] Associate Justice
" " [illegible]
" " [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

In the District Court of the
1st Judicial District
of Nebraska within and
for Douglas County

No. 733.

D. W. Cummings, David Ray, Edward Lowe, John McCoy, Edward Regan and C. P. Bible,

Plaintiffs in Error,

vs

John K. Gregory, Chas. Goodrich, Thos. Kilpatrick, Jas. Mahoney, Wm. Masters, Wm. Hadley, Geo. Armstrong, Wm. Masters, Jr., and Jas. Mahoney, Jr.,

Defendants in Error.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is hereby, modified so that the interest of the Plaintiffs in Error, Hadley Company in the Mercantile Store and Mill be and the same is subject to liens of the defendants in error, and that no personal judgment be rendered against them.

It is further ordered, adjudged and decreed that the Plaintiffs in Error, D. W. Cummings, David Ray, Edward Lowe, John McCoy, Edward Regan and C. P. Bible, Defendants in Error herein, do have and recover of and from the Hadley Company, a corporation, John K. Gregory, Chas. Goodrich, Thos. Kilpatrick, Wm. Masters, Jas. Mahoney, Wm. Masters, Jr., and Jas. Mahoney, Jr., the sum of One hundred and eleven and 70/100 ($111.70) Dollars. It is further ordered, adjudged and decreed, that the Defendants in Error herein, do have and recover of and from the Hadley Company, a corporation, John K. Gregory, Chas. Goodrich, Thos. Kilpatrick, Wm. Masters, Jas. Mahoney, Wm. Masters, Jr., and Jas. Mahoney, Jr., their costs in the District Court in the sum of Ninety-seven and 80/100 ($97.80) Dollars, with interest thereon at the rate of seven per cent per annum.

Bishop vol

Ex. 6 76.

[illegible] Title [illegible] Recovery, Court
[illegible] Appeals,
Respondent
vs.
[illegible] Circuit Court, Court
Virginia-Carolina Chemical Co
Respondent.

Upon motion of Defendant in error for a writ of error to
Respondent Records, it is ordered that Respondent show
cause on Monday the 4th day of April next
Thirty days allowed in which to prepare record -

Thursday April 21st at 9:30 o'clock A.M.

Abbott Strut Chief Justice.
[illegible] Associate Justice.

Thomas M Green
Geo T Dowe

Regular Court } Proceedings had.
Session of Record } Regular Session Monday April 21st 1924
Court opened at 9:30 o'clock A.M.
Present: Hon Hosea. Mabee Sheriff Present.
" " Ed. L. Davis Court Reporter "
" " Mabee Messenger " "
" " Richard E. Evans " "
Thomas Hazlett Clerk.
Harold Shuler Marshal.
Claude Fuller Attorney.
W. H. Carter " "
Hon. Carter " "
Hon. Hosea, Judge of said Court, being present, and the Sheriff
and the following proceedings were had, to-wit:

Thomas Hazlett Plaintiff,
vs. Petition
The Corporation, Defendant.

No. 1705 vs.

E. L. Davis,

Garnishee:

Now on this day this cause coming on to be heard and submitted and it appearing to the Court that the Garnishee herein was duly served with summons herein on the 17th day of April 1924, and that said Garnishee has failed to appear herein, and that the Garnishee is indebted to the defendant herein in the sum of $ 21.90 Dollars.

[illegible] Appellant,

vs.

No. 946.

David Vandeventer and
Moses M. Thornsberry,

Appellees.

Filed and docketed December 22nd 1900.

It is further ordered that the Appellee herein, Moses M. Sherman, do have and recover of and from J. M. Ward & his Appellant herein and The United States Fidelity and Guaranty Company, a corporation, Surety on Supersedeas Bond herein, the sum of $17,173.50 with interest thereon from the 2nd day of December, 1899- date of Judgment in the District Court, at the rate of 7 per cent per annum together with his costs in this court taxed at [illegible] Dollars and his costs in the lower court in this cause incurred taxed at the sum of thirty-six and 66/100 ($36.66) Dollars.

[illegible]

vs.

[illegible]

Appellees.

No. 947.

[illegible]

vs.

[illegible]

Appellees.

[illegible]

[illegible]

[illegible]

[illegible] recovered [illegible] and [illegible] for the plaintiff in accordance with the views herein expressed for, setting $3,656.16 for $5,134.49 as the amount of the default judgment and eliminating therefrom the counterclaim judgment for the further sum of $3,166.66.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from F.K. Shultz, the appellee herein, his costs in this court taxed at forty-one and 10/100 ($41.10) Dollars.

It is further ordered, adjudged and decreed that the appellee herein, F.K. Shultz, do have and recover of and from Chas. Goldman, Administrator of the estate of M. Hermser, deceased, his costs in the District Court in this cause incurred, taxed at forty-eight and 05/100 ($48.05) Dollars

[illegible]

[illegible]

James L. Ittle, and George Albright, Wesley Albright
and William N. Maginnis, as Executors of the Last Will and
Testament of Elizabeth B. Voorhies, deceased,
Plaintiffs,

No. 546 J -75-

B. J. Faucett, Governor
C. C. Keith, Auditor and
C. M. Bruce, Secretary, Trus-
tees Comprising the Board of Managers of
the Penitentiary,
Defendants.

This cause coming on to be heard upon the Petition and the Answer thereto, and the Replication thereto, and the Court having, being well advised in the premises, finds that the allegations of the Petition are true, and that the Plaintiffs are entitled to the relief prayed for in their Petition.

It is therefore ordered, adjudged and decreed that the Plaintiffs James L. Ittle, and George Albright, Wesley Albright and William N. Maginnis, as Executors of the Last Will and Testament of Elizabeth B. Voorhies, deceased, are entitled to

Claim costs in Chief court taxed at

$90.00.

—— For judgment in extenso see page 550. ——

(Signed) H. Wrong, Official Stenographer.

(Signed) Miller, Cecilia-Clothier,
Egerton-Bigsbee, and Costa-Clothier.
Heier-Amiable; Charles L. Miller;
Harley M. Miller, Dora M. Miller,
Leitha Miller, Raymond F. Miller;
Various Heier-Amiable, used
(Signed) Rachel Miller, their Counsel,
Respondents;

No. 755 -vs-

Henry E. Miller;

Plaintiff.

The above Petitioning Heir Respondent Amiable used
Certificate under Section 1 of the Civil Service Act
the above named Heirs petitioned in the Exchequer
Court of Canada, praying that the Plaintiff
Certificate, dismissed with costs.

The said Petition, subsequently amended by
Henry E. Miller, claiming declaration that
he is the owner in fee simple of the lands
in the Petition mentioned, free from the
Amiable Petitioning Heir Respondent's claim

Counterclaim was filed by the Plaintiff
Twenty-nine days [illegible] and
Counterclaim was [illegible]

[illegible] settled
[illegible] and the Court

[illegible]

It is further ordered, adjudged and decreed that the Appellee Louis Zephendorf
have, do have and recover of and from the Appellants Reeves, and L. H. Manning and W. E. Francis, sureties on appeal bond, his costs in this court, taxed at twenty-one and 25/100 ($21.25) Dollars, together with his costs in the District Court in this cause incurred.

[illegible]

No. 2076. -25-

[illegible]

[illegible]

It is further ordered adjudged and decreed that the Appellee herein do have and recover from the Appellant herein his costs in the District Court taxed at ------ dollars, together with his costs in this Court taxed at Thirty (30) Dollars.

[illegible]

William W. Bithell,
Appellant

No. 710. v

-vs-

The Utah Canal Extension
Irrigation Company,
Appellee:

Appeal from the District Court of the Second Judicial District of the State of Utah, in and for Weber County.

William W. Bithell, Appellant, in pro. per.

Messrs. Bennett & Marioneaux, for Appellee.

March 23rd 1901

Lewis Wigley,
Petitioner,

No. 732. -vs-

Nathan D. Langley, E. M. Pickard, and Charles H. Hess, constituting the Land Commission of the Territory of Yuma, and Justin A. Black,
Respondents.

On this cause it is ordered that the Answer filed herein be and the same is hereby stricken out.

On motion of attorney for petitioner, it is ordered that the appointed Commissioner to receive testimony herein be and he is hereby directed to receive testimony at time designated by him, between the 15th and 30th of April.

James H. Kibbey,
Chief Justice.

In the above entitled cause coming on for hearing this day, for the allowance of fees, for the quarter ending March 31st 1901 presented for allowance, the following order was made in open court.

Whereas, Thomas Gindell, Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account for his official services from the first day of January, 1901, to the thirty-first day of March, 1901, with the items thereof, in the presence of the United States District Attorney, and has, by his oath attached to the account furnished to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated; and whereas, said charges appear to be just and according to law, it is hereby ordered that said account, amounting to Two hundred and thirty-one and 50/100 ($231.50) Dollars, be, and the same is hereby allowed.

It is hereby certified that upon each day for which a per diem is allowed in this account, the Court was in session for business and the Judge present and presiding.

March 2nd 1901.

Alexander Sloan
Chief Justice Supreme Court
Territory of Arizona.

Allowed March 2nd 1901.

Alexander Sloan
Chief Justice Supreme Court
Territory of Arizona.

Supreme Court, } Wednesday, 6th Nov. 1901.
Territory of Arizona. } Present, Hebeler Black, Chief Justice,
Court convened at 9:30 o'clock A.M.
Present, the Hon.; Hebeler Black, Chief Justice.
" " Leo. C. Davis, Associate Justice.
" " Fletcher M. Doan, " "
" " Richard E. Sloan, " "
Frank Lindell, Clerk.
United States Marshal
United States Attorney.
M. H. Calderwood, Crier,
Dean Woodward, Bailiff.
and the following Lawyers were Examined

On motion of C. J. Eckander Esq., it is ordered that Mr. Mac Whittelliffe, upon his certificate from the Supreme Court of Nevada, be admitted to practice in this Court before signing the Roll of Attorneys.

On motion of M. H. Sherwood Esq., it is ordered that Mr. Wm. Reeves, upon his certificate from the District Court of the Second Judicial District of Arizona, be admitted to practice in this Court before signing the Roll of Attorneys.

[illegible]

Be certain of Shanfrancisco Jus. Cap., it is ordered that Mr. William H. Cook, who has been re-
ficiale from the Supreme Court of the State of
Calif. is admitted to practice in that court
as an Attorney and Counsellor at Law
the usual oath.

Louis Adler,
Petitioner,

No. 732. vs.

Ernst Gutmann, Emil Hickel
and Charles Felkel, constituting
the Board of Supervisors of the County
of Alameda, and Union Hotel
Co. (a corporation),
Respondents.

The petition of Petitioner, attorney for petitioner herein, for an order that he be permitted to file a transcript herein;

The petition of Petitioner, attorney for petitioner, for an order that he be permitted to file a transcript herein;

[illegible]

[illegible]

[illegible]

Seventh of Parcels, thereon, and Sunday the first day of November, 1901; as provided by Section 1931 of the Revised Statutes of the United States.

Done in Open Court, this first day of January A.D. 1901.

(Signed) Peter S. Grosscup C.J.
Richard E. Sloan A.J.
Geo. C. Daniels
Kickham M. Dunn.
Justices of the Supreme Court.

A. L. Jarrard, C. E. Dagget, A. J. Dagget and W. A. Dagget Plaintiffs in Error,

vs

No. 621. ✱

Samuel Wilson,

Defendant in Error.

It appearing to the satisfaction of the Court that this cause has been determined upon appeal to the Supreme Court of the United States and the records of said Court having been heretofore filed in the office of the Clerk of this Court, wherein the decree of the said Supreme Court of the United States was entered on said cause on the 11th day of March A.D. 1901, in the following words, viz: "This cause came to be heard, argued and considered by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs; And that the said defendant in error, Samuel Wilson, recover against the said said Plaintiffs in error, for [illegible]

"Briefs have been filed herein, and the cause has been duly submitted, and the Court having examined the same, and being fully advised in the premises, it is ordered that the judgment be modified by omitting therefrom the personal judgment against A.L. Jones for the amount of the mortgage debt as shown on folios 261, and omitting therefrom the reference to A.L. Jones in the direction to the Sheriff, that said sheriff make the balance due upon said judgment out of any other property of the said defendants, A.E. Dagger and A.L. Jones, as shown in folio 270 of the abstract of said judgment as filed herein.

The case is therefore remanded, and the district court is directed to modify the said judgment as indicated herein."

Now, upon motion of Mr. Rod. J. Prescott for defendant in error, it is ordered that a Remittitur issue from this Court directed to the District Court of the First Judicial District of the Territory of Arizona in and for the County of Maricopa, in accordance with the terms of the Mandate received and filed herein.

It is further ordered, adjudged and decreed that the defendant in error, herein, do have and recover against plaintiff in error herein, A.L. Jones, A.E. Dagger, A.J. Dagger and W.A. Dagger, and [illegible] W. Pfeiffer and W. A. Jones, [illegible] and their costs herein expended [illegible] [illegible] [illegible]

Supreme Court of Utah

Appellant

No. 6456.

vs.

Seth L. Gorham, Asst. U.S. Dist. Director,
E.E. Lovell, Secretary, Asst. U.S. Dist.
Attorney, and the Utah
Irrigating Ditch Company,

Appellees

It is ordered that the motion for permission to
issue, filed herein by appellees, be granted.

Court to sit in recess until 3 o'clock this afternoon.

Three o'clock P.M.

Court reassembled after recess.

Present Chief Justice Weber, Presiding
Hon. D. Dale Associate Justice
Hon. M. Dean " "
Hon. E. Ellett " "

and the Clerk, and the following proceedings were
had:

James E. Allen, et al.,

Plaintiffs

vs.

No 153. ✓

United States,
Appellant,
vs.
Territory of Arizona,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellant, be submitted.

No. 745 ✓

Phoenix Wholesale Meat Company,
a corporation
Appellant,
vs.
F. B. Moore,
Appellee.

It is ordered that the motion for rehearing, filed herein by Appellant, be submitted.

[illegible]
[illegible]
[illegible]

W. [illegible] Hamilton, [illegible] Treasurer, ex officio Tax Collector of the County of Merced,

Appellants,

No. 750.

vs.

J. H. Evans, Administrator of the Estate of Robert Hardisty, deceased,

Appellee.

Ordered that the motion for re-hearing, filed herein by Appellee, be submitted.

On motion of D. W. Bibber Esq., It is ordered that Mr. H. Hatchett, who holds a certificate from the Supreme Court of Oregon, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Jas. H. Gibney Esq., It is ordered that Mr. Norman C. Byers, who holds a certificate from the United States Circuit Court of the Northern District of California, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of C. B. Rhodes Esq. It is ordered that Mr. G. W. Key, who holds a certificate from the [illegible] be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

The United States of America,
a corporation, John T. Lewis,
Chas. F. Kuehnen and the Commonwealth
Mine and Mill,
Appellants,

No. 733. ✓ vs.

D. W. Cummings, David Ray,
Edward Jones, John McCoy,
Edward Myers and J. R. Riddle,
Appellees.

It is ordered that the motion for re-hearing filed herein by Appellees be submitted.

James L. Utter, et al,
Plaintiffs,

No. 546. ✓ vs.

Benjamin D. Franklin, C. O. Leitch and C. M. Bruce, Loan Commissioners of the Territory of Arizona,
Respondents.

The Motion for re-hearing filed herein by the respondents having been heard, one submitted, and by the Court now under consideration, and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be and the same is hereby denied.

It is further ordered that the petition to return and modify judgment be denied

In the Matter of the Kidley Company
a corporation, John N. Keyes,
Chas. F. Cushman and the Mammon
Mine and Mill.

-Appellants.

M. 733. ✓

vs.

D. W. Cummings, David Kay,
Edward Jones, John McCoy,
Edward Myers and B. R. Bible,

-Appellees.

The motion for re-hearing filed by Appellees herein, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, It is ordered that said motion be and the same is hereby denied.

In the Matter of the
[illegible]
-Appellants,

M. 733. ✓

vs.

[illegible]
-Appellees.

The motion for re-hearing filed herein by Appellants having been submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, It is ordered that said motion be and the same is hereby denied.

Phoenix Insurance Company
a corporation,
Appellant,
vs.
No. 7465 ✓
F. B. Moore,
Appellee.

The motion for re-hearing filed herein by Appellant, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby denied.

William M. Binford
Appellant,
vs.
No. 7465 ✓
Geo. L. Dunn, et al Board Directors,
F. B. Swing, Receiver, Pres. & Trustee
etc. of The Utah Irrigating Dutch Company,
Appellees.

[illegible]

[illegible] Appellant,

No. 949. vs.

L. H. Evans, Administrator of the Estate of Robert Garside, deceased,

Appellee

The motion for re-hearing filed herein by Appellant, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby denied.

J. McAllen and D. E. Murray, Treasurer and Ex-Officio Tax Collector of the County of Maricopa,

Plaintiffs,

No. 950. vs.

L. H. Evans, Administrator of the Estate of Robert Garside, deceased,

Defendant.

The motion for re-hearing filed herein by Plaintiffs, having been submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby denied.

U. L. Silver M.G. Co. et al.
Plaintiffs in Error,

No. 621. v. vs.

James Wilson,
Defendant in Error.

It is ordered that the motion to retax costs, filed herein by Plaintiffs in Error, be and the same is hereby denied

Ouray Queen Consolidated Mining Co. Inc., a corporation,
Appellant

No. 734. v. vs.

The Board of Equalization of Ouray County,
Appellee.

* Upon hearing the petition and written arguments of the parties, and due consideration and the Court having considered the premises and being fully advised in the premises, it is ordered that the action of the Board in reducing the valuation of the property was without jurisdiction, and the assessment of the District Court affirming the proceedings of the Board, reducing the valuation of the property, should be reversed, and that the assessment of the property for the year 1902 be restored to the valuation of $ [illegible] as fixed by the Board of Equalization of Ouray County, and that the Treasurer of Ouray County collect the taxes thereon and pay over the same according to law.

* Words three lines from bottom and one line from top erased before signing by Court.

It is further ordered that the appellee recover of the appellant its costs herein expended, to be taxed at the sum of Four Thousand Nine Hundred Ninety-five 95/100 ($4995) Dollars, together with its costs in the District Court in

[illegible] this cause incurred.

Henry E. Fraser,
Appellant,

No. 737. vs.

Salt River Valley Canal Company,
a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the trial court be and the same is hereby reversed, and judgment and decree entered in consonance with the opinion rendered herein.

Judgment Entered in Book 5 Page 219.

[illegible] It is ordered that the judgment of the U. District Court in the same is hereby reversed, and without further trial is modified so that Griffin is dismissed from the complaint, and his interest in the Hidden Treasure mine released from the foreclosure proceedings!

It is further ordered adjudged and decreed that N. L. Griffin, the appellant herein, do have and recover of and from J. B. Hurley the appellee herein his costs in this court taxed at Forty-four ($44.00) Dollars, and his costs in the District Court in this cause incurred.

James L. Utter, and George Albright, Wesley Albright, and William H. Maginnis, as Executors of the Last Will and Testament of Elizabeth B. Voorhies, Deceased,
Plaintiffs,

No. 546. vs.

Benjamin J. Franklin, B. C. Leitch, and C. H. Bruce, Loan Commissioners of the Territory of Arizona,
Respondents.

Hon. B. H. Ainsworth, Attorney General of the Territory of Arizona, and attorney for N. O. Murphy, B. H. Akers and G. W. Vickers, and also, as attorney for said N. O. Murphy, Governor, B. H. Akers, Secretary, and G. W. Vickers, Auditor of the Territory of Arizona, constituting the Loan Commissioners of the Territory of Arizona, if such Loan Commissioners be in existence herein, in open court, on this First day of June, 1901, being one of the regular judicial days of the regular term, 1901, of the Supreme Court of Arizona, gave notice of motion to and N. O. Murphy, B. H. Akers and G. W. Vickers, and the said Loan Commissioners, that on Friday, and for the Court of Commissioners, being the Loan Commissioners of the Territory of Arizona, to the Supreme Court of the United

Dec 15th 1901

stated, and prayed for an allowance of such appeal; whereupon it was ordered by the Court that an appeal be granted as prayed for to the Supreme Court of the United States from the order and judgment of this Court upon said appellants filing with the Clerk of this court a bond in the sum of one thousand dollars, approved according to law.

James L. Utter, and George Albright, Wesley Albright and William H. Maginnis, as executors of the Last Will and Testament of Elizabeth B. Voorhies, Deceased,

Plaintiffs,

No. 546.

vs

Benjamin F. Franklin, C. C. Leitch, and C. M. Bruce, Loan Commissioners of the Territory of Arizona,

Defendants.

An appeal having been prayed for and allowed herein from the order and judgment of this Court in the above entitled cause to the Supreme Court of the United States, the Court doth now, under the provisions of section 1868, of the Revised Statutes of the United States, make and certify, on such appeal, a statement of the facts of the case, in the nature of a special verdict, and doth cause the same to be filed herein this day.

J. M. Allen and D. L. Murray Treasurer and Ex-Officio Tax Collector of the County of Maricopa,

Appellants,

No. 750. v.

vs.

J. W. Evans, Administrator of the estate of Robert Garside, deceased,

Appellee.

In this cause Mr. Thos. Armstrong, Jr., attorney for appellee herein, moved the Court that Remittitur be stayed sixty days, pending perfecting appeal to the Supreme Court of the United States, which said motion was taken under advisement by the Court.

J. M. Allen and W. B. Casey,

Appellants,

No 749. v.

vs.

J. W. Evans, Administrator of the estate of Robert Garside, deceased,

Appellee.

In this cause Mr. Walter Bennett, attorney for the above named appellants herein, gave notice of appeal from the judgment of this Court to the Supreme Court of the United States, and moved the Court that it fix the amount of the Bond to be executed ... that the Remittitur be stayed for sixty days ... and ordered by the Court, that the amount of the ... bond in this cause be fixed in the sum of ... dollars, and that the Remittitur herein be stayed for sixty days.

Supreme Court. Opinion ordered that clerk record and enter judgment pro tem

Robert Stuart Chief Justice.
Associate Justice
" "
" "

James L. Utter and George Albright, Wesley Albright and William H. Maginnis, as Executors of the Last Will and Testament of Elizabeth B. Voorhies, deceased,

Plaintiffs - Petitioners,

Against

B. J. Franklin, Governor; G. A. Leitch, Auditor; and C. M. Bruce, Secretary, Loan Commissioners of the Territory of Arizona,

Defendants.

No. 546. Order

This cause coming on further to be heard; and the Plaintiffs and petitioners appearing by William H. Barnes, their attorney, and the Loan Commissioners of the Territory of Arizona, to-wit: N. O. Murphy, Governor; George H. Vickers, Auditor; and Charles H. Akers, Secretary; appearing by Charles F. Ainsworth, Attorney General, and the said cause having been argued by the respective counsel for the petitioners and defendants, and submitted to the Court upon the petition for writ of mandamus filed herein on or about the 31st day of December, 1896, and Exhibit A. thereto attached, and the answer and response to the said petition filed herein on or about the 19th day of January, 1897, and the demurrer to the second defense of the said answer and response, which demurrer was argued on the 19th day of January, 1897, and submitted to the Court upon the same, and the Court being duly advised in the premises, and the

Court having considered the same, and being fully advised in the premises, it is

Considered, Ordered and Adjudged that the said plaintiffs and petitioners, to-wit: the said James L. Utter, and the said George Albright, Wesley Albright and William H. Maginnis, as Executors of the Last Will and Testament of Elizabeth B. Voorhies, deceased, are entitled to a writ of mandamus as in said petition prayed; and that by law it is the duty of the defendants, the said Loan Commissioners to provide for redeeming and refunding of the said county indebtedness, and to issue the bonds of the Territory for said indebtedness in redemption of the said county bonds, coupons and interest; and that on the 12th day of December, 1896, the plaintiffs and petitioners made demand on the Loan Commissioners of the Territory of Arizona to issue bonds as provided by law in exchange for said County Bonds, coupons and interest as aforesaid, with which demand the said Loan Commissioners unjustly refused to comply, to the injury of the said plaintiffs and petitioners, as appears by the said petition and Exhibit A. thereto and the proceedings in this cause.

Further Considered, Ordered and Adjudged that a peremptory writ of mandamus do issue, directed to N. O. Murphy, Governor; Geo. H. Dickerel, Auditor; and Charles H. Akers, Secretary; the present Loan Commissioners of the Territory of Arizona, their successors in office to recognize E. L. Reich and Bruce, and their successors in office as such Commissioners commanding them, when the said bonds of the $150,000.00 of bonds of the County of Pima described in the said petition, herein made a part of this decree, with the coupons thereto attached, shall be made, issued and delivered by the said Territorial Loan Commissioners as provided by the Act of Congress, entitled "An Act authorizing the Territorial Legislature of Arizona," approved June 6th 1890; and the Act of Congress, entitled

"An Act to amend an Act entitled 'An Act approving with amendments the funding Act of Arizona', approved June 25, 1890," approved July 13, 1892; also the Act of Congress, entitled "An Act to amend section 15 of an act approving with amendments the funding act of Arizona, approved June 25, 1890," approved August 3, 1894; also the Act of Congress, entitled "An Act amending and extending the provisions of an act of Congress, entitled "An Act approving with amendments the funding act of Arizona," approved June 25, 1890, and the Act amendatory thereof and supplemental thereto, approved August 3, 1894," approved June 6, 1896; such Bonds to be made, issued and delivered to the petitioners or their attorney in exchange for the said $150,000. of bonds of the County of Pima described in said petition, and for the accrued and unpaid interest thereon, upon the surrender of the said Bonds and all unpaid coupons thereto attached, or for so many of said bonds and interest as shall be offered to the Loan Commissioners by the petitioners or their attorney.

Dated March 22-1901.

(Signed) Webster Street,
Chief Justice.

Richard E. Sloan,
Associate Justice.

Fletcher M. Doan,
Associate Justice.

Edw. F. Davis
Associate Justice.

Filed June 1st. 1901

Supreme Court, } November Term, A.D. 1911.
Territory of Arizona, } Tuesday, Friday, November 10th, 1911.

Court opened at 10 o'clock A.M.

Present, His Honor, Webster Street, Chief Justice.
" " Geo. R. Davis, Associate Justice.
" " Fletcher M. Doan. " "
" " Richard E. Sloan " "
Thomas Tindell, Clerk
United States Marshal.
United States Attorney.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

and the following business was transacted.

The Walter C. Hadley Company, a corporation, John N. Segrig, Chas. F. Mathews and the Monarch Mine and Mill,

Appellants,

No. 733. vs.

A. H. Cummings, David Kay, Edward Rees, John McCoy, Edward Meyers and W. H. Bell,

Appellees.

On this cause it is stipulated that the petition for rehearing herein filed November 6th, be overruled.

Walter C. Hadley Company,

vs.

A. H. Cummings et al.

Stipulation.

On this cause it is

Nov. 15th 1901. ordered that the Motion for Re-hearing, filed herein by appellees, be submitted.

Henry E. Slosser,
Appellant,
vs.
No. 737. Salt River Valley Canal Company a corporation,
Appellee.

In this cause it is ordered that the Motion for Re-hearing, filed herein by Appellee, be submitted.

George Martin,
Appellant,
vs.
No. 743. Elect N. Hoff, Mayor of the City of Tucson, Arizona, et al.,
Appellee

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

[illegible]

herein by Appellant, be submitted.

No. 746

J. M. Neal
Appellant
vs.
David Hardenburg and
Moses N. Sherman,
Appellees.

It is ordered that the Motions for Rehearing filed herein by Appellant, be submitted.

No. 757.

In the Matter of the Guardianship of the Person and Estate of Aaron Hugo Geckendorf and Henrietta Geckendorf, formerly minors.

For this cause it is ordered that the Motions for Rehearing filed herein by Appellants, be submitted.

No. 737.

Henry Stover,
Appellant,
vs.
Christian Christensen and Carstenes,
Appellees.

It is ordered that the Motions for Rehearing filed herein by Appellee, be

No. 737. Maricopa Canal,
Appellant,
vs.
No. 735. 35.
The Maricopa Canal Company,
a corporation,
Appellee.

It is ordered that the Motion for leave to file Supplemental Brief, filed herein by Appellee, be submitted.

James D. Marler
Appellant
vs.
No. 739. 75.
The Maricopa Canal Company,
a corporation,
Appellee.

It is ordered that the Motion for leave to file Supplemental Brief, filed herein by Appellee, be submitted.

The Farmers
Appellant,
vs.
No. 741. 95.
The Grand Canal Company,
a corporation,
Appellee.

It is ordered that the Motion for leave to file Supplemental Brief, filed herein by Appellee, be submitted.

In Supreme Court

Geo. H. Dern, U. S. Grant, Jr. & Wm. Glasmann

& E. Hanley and J. M. Priestly,

Appellants,

No. 742 v

vs

Henry E. Skeen,

Appellee.

It is ordered that the Motion for leave to file Supplemental Brief, filed herein by Appellee be submitted.

Wm. M. Bishop,

Appellant

No. 656. v

vs

Seth L. Johnson, Wm. H. Davis, Director,

E. E. Jones, Secretary; Thos. E. Jones, Watermaster,

all of the Utah Irrigating Ditch Company,

Appellees

Comes now Wm. M. Bishop, Attorney for Appellant herein, and moves the Court to dismiss the appeal and remand cause to the District Court; said motion was taken under consideration by the Court.

Alfred Ellis,

Appellant

No. 762. v

vs

C. A. Wheeler,

Appellee.

Comes now Wm. M. Bishop, Attorney for Appellant herein, and moves the Court to dismiss the appeal and remand cause to the District Court; said motion was taken under consideration by the Court.

No. 770. Richard Sackett, Plaintiff,
vs.
Everard A. Hackett, Defendant.

Upon motion of Mr. O. L. Alexander, attorney for Appellee herein, it is ordered that the Motion to Affirm judgment filed herein, be submitted.

No. 669. George H. H. Kinney, Plaintiff
vs.
Wm. A. Hancock, Lily E. Hancock and Thos. H. Carothers, Defendants.

It appearing to the satisfaction of the Court that this cause has been determined upon appeal to the Supreme Court of the United States and the Mandate of said court having been heretofore filed in the office of the Clerk of this Court, wherein the decree of the said Supreme Court of the United States, entered in said cause on the 13th day of May A.D. '01, is in the following words, viz: "This cause came on to be heard, argued and heard by the Court that the decree of the Supreme Court is in this cause be, and the same is, affirmed with costs. And that the said Appellee recover against the said Appellant, [illegible] for their costs herein expended. [illegible]"

It is ordered and decreed that the said decree of the Supreme Court of the United States be, and the same is hereby affirmed with costs. And that the said Appellee recover against the said Appellant, [illegible]

having been heretofore submitted and by the court taken under consideration, and the Court having duly considered the same and being fully advised in the premises; it is ordered that the judgment of the district Court be, and the same is hereby, affirmed."

Now, upon motion of Mr. C.S. Ainsworth for appellees, it is ordered that a Recititur issue from this court, directed to the District Court of the Third Judicial District of the Territory of Arizona, in and for the County of Maricopa, in accordance with the terms of the Mandate received and filed herein.

It is further ordered adjudged and decreed that the appellees herein, do have and recover of and from George H. H. Luhrs, the appellant herein, and Edward Eisele and William Mathews, sureties on appeal bond, their costs in this cause herein expended taxed at twenty-eight and 25/100 Dollars, and their costs in the District Court in this cause incurred, taxed and allowed at the sum of Ten and 55/100 ($10.55) Dollars, and have execution therefor.

Now, on motion of Mr. Walter Bennett, it is ordered that Cornelius D. Leyte, be admitted a certificate from the Supreme Court of the State of Michigan, be admitted to practice in this Court before proceeding the Roll of attorneys and taking the usual oath.

On motion of Mr. [illegible], it is ordered that [illegible] certificate from the District Court of the Third Judicial District of the

Territorial Certificate of Attorney, issued for Maricopa County be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr. J. H. Cunningham, it is ordered that Mr Roy S. Goodrich, who holds a certificate from the District Court of the Third Judicial District of the Territory of Arizona in and for the County of Maricopa, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

A. E. Oliver and Charlotte M. Oliver, his wife,
Appellants,

No. 768. vs.

John H. Dougherty,
Appellee.

On motion of Mr. E. W. Crawford, attorney for appellee, it is ordered that the Motion to Affirm judgment, filed herein by appellee, be submitted.

Frances A. Carew, Administratrix of the Estate of Fred E. Carew, deceased,
Appellant,

No. [illegible] vs.

[illegible]
Appellee.

[illegible] Stinson, attorney for

plaintiffs, it is ordered that the petition for appeal herein be granted and filed herein, the preliminary writ issued.

(Territorial Court,
Appellant,
No. 155 vs.
Territory of Arizona,
Respondent.)

On motion of C. F. Ainsworth, Attorney General, it is ordered that Respondent herein have 30 days in which to file Brief and Appellant granted 10 days thereafter in which to reply.

(W. G. Oliver and Charlotte
M. Oliver, his wife,
Plaintiffs-
No. 768. vs
Chas. H. Dougherty,
Defendant.)

On motion of Mr. W. E. Morrison, attorney for Appellant herein, it is ordered that he be granted 30 days in which to file Petition for Appeal herein.

(Territorial
No.
vs
Territory of
Defendant.)

On motion of Attorney General Ainsworth, it is

Dismissed and Reversed Decree for Defendant in Error cause.

Oscar F. Greenland,
Appellant,
vs.
No. 763. R. J. Holmes, et al.
Appellees.

On motion of Mr. J.L.B. Alexander, attorney for appellant, it is ordered that this cause be submitted on briefs.

Charles H. Hartman,
Appellant
vs.
No. 764. C. E. Williams and Charles H. Pierce, B.J. Pecha as Administrator of the Estate of Charles H. Pierce, deceased,
Appellees.

It is ordered that this cause be passed.

Sarah Annette White, Estate of
Samuel Earle, deceased,
(M. Whitely, Administrator,
Appellant,
vs.
[illegible]
Appellee.

On motion of Mr. [illegible] attorney for

which to file briefs. And

On motion of Mr. Jas. H. Nibley, it is ordered that appellee have 30 days thereafter to reply.

Charles Gilcrease, Administrator of the Estate of M. Warner, deceased,

Appellant,

No. 767. vs.

Pedro Sotelo,

Appellee.

On motion of attorney for appellant herein, it is ordered that he have 30 days in which to file brief, and

On motion of Mr. Jerry Millay, it is ordered that Appellee have 30 days thereafter to file reply.

[illegible],

Appellant,

No. [illegible] vs.

[illegible],

Appellee.

On motion [illegible] it is ordered that [illegible] and that [illegible]

No. 772 ✓

Antelope Gold & New Rocker Mining Company, a corporation,

Appellant,

vs.

Robert Merritt,

Appellee.

} It is ordered that this cause be passed.

No. 158. ✓

In the matter of the application of Santiago Barrajera for a Writ of Habeas Corpus.

} Ames and Mr. J. L. B. Alexander ask petitions for Writ of Habeas Corpus, which Petition was set for hearing November 2nd.

No. 760. ✓

Ann K. Goodman, Ophirena Goodman and Lizzie McChilling,

Plaintiffs in Error,

vs.

Daniel Hutchinson,

Defendant in Error.

} On motion of Mr. Thos. Brownell Jr. attorney for Plaintiffs in Error, it is ordered that this cause be, and the same is hereby, dismissed.

[illegible] Court [illegible]
[illegible] Arizona, [illegible] Court, at 10 o'clock [illegible]

Webster Street Chief Justice.
Associate Justice.
Associate Justice.
Associate Justice.

Supreme Court, } November Term, A.D. 1901.
Territory of Arizona. } Phoenix, Saturday, November 2nd, 1901.

Court opened at 10 o'clock A.M.

Present: Hon. Norris, Webster Street, Chief Justice.
" " Geo. R. Davis Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
Thomas J. Trimble, Clerk.
[illegible] Marshal.
[illegible] Attorney.
[illegible] Court Reporter.
[illegible], Bailiff.
and the following proceedings were had, viz:

Joseph [illegible],)
)
vs.) Affidavit
)
No. 666.)
)
[illegible],)

[illegible]

No. 734 ✓

Plaintiffs in Error Green Mountain Mining Conservation Corporation,

Appellant,

vs.

Board of Equalization of Archuleta County

Appellees.

The motion for re-hearing filed herein by appellee, having been duly submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be and the same is hereby denied.

No. 737 ✓

Henry E. Hoover,

Appellant

vs.

Salt River Valley Canal Company, a corporation,

Appellee.

In this cause it is ordered that the motion for re-hearing filed herein by appellee be and the same is hereby denied.

No. 748 ✓

George Wiethe,

Appellant,

vs.

Cecil Kings Gleaner Mine Corporation, Limited,

Appellee.

In the Supreme Court of the State of Montana.

Thos. P. Briggs, et al.,
Plaintiffs and Respondents,

No. 744. v -vs-

Ellen Irrigating Ditch Co. et al.,
Defendants and Appellants,
Elwood Cadby, U.S. Deputy Marshal,
Intervenor and Appellant.

It is ordered that the motion for rehearing filed herein by appellants, be and the same is hereby denied.

J. M. Neal,
Plaintiff,

No. 746. v -vs-

David Hendershott and
Mary M. Hendershott,
Defendants.

It is ordered that the petition for rehearing filed herein by defendants, be and the same is hereby denied.

[illegible]

No. 750. v [illegible]

[illegible] motion for [illegible]

Kendrick Mitchell
Plaintiff,
No. 746. ✓ vs.
David Kesler and
Mary H. Shannon,
Defendants.

In this cause Mr Jno. H Kirby, attorney for appellant, this day came and gave notice of appeal from the judgment of this Court to the Supreme Court of the United States, and moved the Court that it fix the amount of the bond on appeal and that the Receiver be stayed therein, it was ordered by the Court that the amount of the cost bond on appeal be fixed in the sum of one thousand dollars and that the Receiver herein be stayed until the January Term, 1902.

Chas. Rigg, et al,
Complainants,
No. 7444 ✓ vs.
Utah Corporating Ditch Co. et al,
Defendants.

The Revised Cases for 1902.

No. 737. ✓

Jerry E. Stevens,
Appellant,
vs.
Salt River Valley Canal Company, a corporation,
Appellee.

In this cause Mr. C. F. Ainsworth, attorney for appellee, has filed a motion to dismiss appellant's notice of appeal from the judgment of this Court to the Supreme Court of the United States, and prays the Court that it fix the amount of the bond on appeal and that the Receiver be required to give, pending the appeal, such security as the Court shall require, and that the amount of the bond on appeal be fixed in the premises. Thereupon duly and the Receiver having given bond as required by the Court, it is ordered that the bond on appeal be fixed at Seven Hundred Dollars, and that the Receiver have 30 days after the January Term, 1902.

No. 738 ✓

[illegible]
vs.
[illegible]

[illegible] motion [illegible] dismiss [illegible] appeal [illegible] Court [illegible] Supreme Court [illegible] United States [illegible] Court [illegible] bond [illegible] appeal [illegible] Receiver [illegible] security [illegible] Court [illegible] bond [illegible] appeal [illegible] premises [illegible] Receiver [illegible] bond [illegible] Court [illegible] bond [illegible] appeal [illegible] Dollars [illegible] Receiver [illegible] January Term, 1902 [illegible] matters [illegible] proceedings and being fully

In Petition, ordered in the premises, it is hereby ordered that the Petition of Santiago Barrageras, to be discharged from imprisonment from the county jail of Maricopa County, Territory of Arizona for the reasons set out in said Petition, be and is hereby, granted and the Court further finding that his said imprisonment is illegal and unauthorized by law, it is ordered that he be discharged from custody.

No. 770 ✓

Josiah Harbert,
Appellant,
vs.
Gertrude A. Harbert,
Appellee.

It is ordered that this cause be continued until January Term, 1902.

No. 766 ☆ See page 571

In the matter of the account of
the Clerk of this Court for
per diem for the quarter ending
June 30th 1901 presented for
allowance, the following order
was made.

Now, Thomas Trickett, Clerk of the Supreme
Court of the Territory of Arizona, presented to this
Court his account for his official services from the first day of
April, 1901, to the thirtieth day of June, 1901, for services rendered
as Clerk of the Supreme Court of the Territory of Arizona
[illegible]
[illegible]
[illegible]
performed in three cases, and praying and charges

appear to be just and reasonable, it is therefore ordered that said account, amounting to fifteen and 75/100 Dollars, be, and the same is hereby allowed.

It is hereby certified that upon each day for which said sum is charged in said account, the Court was opened for business and the Judges present and presiding.

Feb. 2, 1901.

Webster Street,
Chief Justice Supreme Court
Territory of Arizona.

It is ordered that this Court stand adjourned sine die.

Webster Street Chief Justice.
Associate Justice.
Associate Justice.
Associate Justice.

*

No. 766.

James E. Jones,
Appellant
-vs-
George K. Appel,
Appellee.

Now on this day Webster Street, Esq. Division Clerk, filed herein by Appellee, his praecipe.

[illegible] Secretary's Office.

In witness whereof I have hereunto set my hand and affixed the Great Seal of the Territory of Arizona. Done at the City of Phoenix this [illegible] day of December A.D. 1901.

Secretary of Arizona

Bond of James A. Cox as Clerk of the Supreme Court of Arizona, in the penal sum of five thousand dollars ($5,000.00) filed with the Secretary of the Territory, Tuesday, December 10th, 1901. Said bond having been approved by Associate Justices; Edward E. Ellison, Joseph H. Kibbey and Fletcher M. Doan.

Bond of [illegible] as Clerk of the Supreme Court of Arizona, in the penal sum of [illegible] dollars ($5,000.00) filed with the Secretary of the Territory, [illegible] December [illegible] 1901. Said bond having been approved by [illegible]

[illegible]

Supreme Court, } (Regular) January 6th, 1902.
Territory of Oregon } Portland, Multnomah County, Oregon.

Court convened at 10 o'clock, A.M.

Present, His Honor, Richard E. Sloan, Associate Justice.
" " Fletcher M. Doan " "

Jas. A. Albee, Esq., Clerk
United States Marshal by J. P. Reed, Deputy.
United States Attorney Robt. E. Morrison
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

It is ordered that this court take a recess until Monday, January 27th 1902, at 10 o'clock A.M.

Associate Justice.

" "

Supreme Court, } January Term, A.D. 1902.
Territory of Oregon. } Portland, Multnomah County, Oregon.

Court convened pursuant to adjournment.

Present, His Honor, Richard E. Sloan, Associate Justice.

" " Fletcher M. Doan " "

Jas. A. Albee, Esq., Clerk.

United States Marshal by J. P. Reed, Deputy.

United States Attorney Robt. E. Morrison.

M. H. Calderwood, Crier.

Dean Woodward, Bailiff.

It is ordered that the petition of Ida Hall for a certificate from

Sep 1903 the Supreme Court of California, be admitted to practice as
this Court upon presentation of a Certificate of Good Standing
from said Court.

On motion of J. H. Crenshaw, Esq. it is ordered that
Mr. Harvey Everett, who holds a certificate from the Supreme
Court of New York, be admitted to practice as this Court upon
signing the Roll of Attorneys and taking the usual
oath.

Thomas Hart,
Appellant,
No. 155 -vs-
Executrix of Original,
Defendant.

On motion of J. H. Shankland, Attorney for Appellant,
herein, it is ordered that this cause be and the same
is hereby dismissed.

Peter Peters, et al.,
Appellants,
-vs-
Mary M. Cummings, et al.,
Appellees.

On motion of Appellees,
No. 156 -vs-
William Cummings, et al.,
Appellees.

On motion of Appellants

No. 762 Charles H. Pierce,
Appellant
No. 764 vs.
J. E. Williams and Charles H. Pierce,
A. E. Peck, receiver & administrator of the
estate of Charles H. Pierce, deceased,
Appellees.

On motion of Wm. H. Bennett, Attorney for Appellant.
Hearing, it is ordered that the hearing of this cause be set
for January 28th 1902. on oral argument.

Charles Stetzman, administrator
of the estate of W. Harmon, deceased,
Appellant
No. 767 vs.
Pedro Sotelo,
Appellee.

On motion of Mark McDermott, Esq, attorney for appellant
herein, it is ordered that the hearing of this cause be set
for January 28th 1902, on oral argument.

John H. Cunningham,
Appellant,
No. 776 vs.
[illegible]
Appellees.

No. 751 v

Julius Wolff, Pltff.
vs.
Edward K. Wolff, Deft.

Plaintiff and Deft. both in person & by Counsel.

Plaintiff moves for Judgment on the pleadings & Deft. moves for leave to file Answer & Counterclaim.

Hearing had & Motions argued.

Ordered that Motions be & same are hereby overruled, Exception noted & 30 days allowed Deft. to answer.

Chancellor Jenkins.

" "

" "

Julius Wolff, Pltff. vs. Edward K. Wolff, Deft.

Hearing had on Motion of Deft. to file Answer & Counterclaim & on Motion of Pltff. for Judgment on the pleadings.

Motions argued & submitted.

Chancellor Jenkins.

Motion of Deft. to file Answer & Counterclaim granted & Motion of Pltff. for Judgment on the pleadings overruled.

Chancellor Jenkins.

No. 765

In the matter of the petition of
Lovell Goethe, Elsworth,
O. H. Wright, administrator;
Appellant,
vs.
Paul Armstrong, Sr.
Appellee.

In this cause, it is ordered that the Petition for Writ of Review of Division Appeal, filed herein by Appellee, be and the same is hereby denied.

No. 769

A. Redwill,
Appellant,
vs
C. H. Stevens,
Appellee.

The Petition of Appellee Jan 14 1907, filed herein by Appellee praying that Appellant's appeal to this Court be dismissed, and the Court having considered the same, together with the Motion to dismiss the appeal, and being fully advised in the premises, it is ordered that said Motion be and the same is hereby overruled and that the appeal of Appellant be and the same is hereby reinstated.

It is further ordered, that the Clerk of this Court issue to C. H. Stevens, the Appellee herein, his Fees and Mileage as allowed by law, and from the Bond filed by Appellant, C. J. Hall and Charles Goldsmith as Principals and J. W. Evans and Leo Goldsmith as Sureties on Appeal herein, the sum of One Hundred and Twenty-four and 20/100 ($124.20) Dollars, together with Disbursements that may be incurred in the service of this writ, including Attorney's Fee, and the balance of said Bond, if any, after the payment of said Fees and Disbursements, is ordered to be released.

No. 770

[illegible] Garrett [illegible]
[illegible]
vs.
Elizabeth A. Herbert
Respondent.

The matter of appellant's petition to affirm the judgment of the Court below this cause having been duly submitted and the Court having duly considered the same, together with the papers filed in this Court in the cause, and the Court being advised in the premises; It is ordered that said Motion be and the same is hereby sustained, and that the judgment of the Court below in this cause be and the same is hereby affirmed, and

It is further ordered, adjudged and decreed that Ex-parte Elizabeth Herbert the appellee herein, do have and recover of and from Joseph Herbert the appellant herein and Emma C. Herbert and John C. Herbert the sureties on the supersedeas and appeal bond herein, the sum of five hundred dollars for her costs and charges by her about her suit in this behalf expended and have execution therefor.

It is further ordered, adjudged and decreed that Ex-parte Elizabeth Herbert the appellee herein, do have and recover of and from Joseph Herbert the appellant herein and Emma C. Herbert and John C. Herbert the sureties on the supersedeas and appeal bond herein, the sum of five hundred dollars for her costs and charges by her about her suit in this behalf expended and have execution therefor.

Jan 28-1902 Appellee's Attorney here heretofore presented and filed in Court herein a motion to dismiss said appeal and the Court having considered the same and being fully advised in the premises finds that said motion should be sustained and that the judgment of the said Police Court in this cause should be and the same is hereby affirmed.

In the Matter of the Appeal of
Axel H. Hallenborg and Joseph H. Lee,
Petitioners from the Order of
the Police Board Refusing Continuance
Petitioners and Appellants.

No. 770. v. vs.

William C. Green, et al.,
Respondents and Appellees.

Said cause coming on for decision upon appellee's motion to dismiss appeal herein and appellants' motion to advance cause, and the Court having heard the arguments of counsel for Appellants and Appellee and being fully advised in the premises finds that said motion to dismiss should be sustained and said motion to advance should be overruled.

Estate of Catherine A. Mitchell,
deceased,
Appellant,

No. 767. v

vs.

Celso Batilo,
Appellee.

On motion of McCleary Melling, it is ordered that this case be continued until the January 29th.

Charles H. Kaufman,
Appellant

No. 764 v

vs.

J. E. Williamson and Charles H. Reese
Executors and administrators of the
estate of Charles H. Reese, deceased,
Appellees.

This cause coming on for hearing and argument by counsel.
Mr. Rose and Mr. Smith for appellant.

The opinion of the Court by Justice Hughes, delivered
that the lower court's decision, dismissing said petition
cause and setting aside

In Chancery. In the Matter of

[illegible] Plaintiff

No. 746. vs.

[illegible] Defendant

Application

On motion of Jno. M. Richter, Esq. attorney for applicant Receiver of said estate it is ordered that he be granted 30 days to prepare transcript of evidence.

C. J. Rogers et al.,

Plaintiffs,

No. 671. vs.

J. K. Burton et al.,

Defendants.

It appearing to the Court that the above entitled cause should be set for trial and that the defendants herein are entitled to a jury trial in accordance with the rules of said Court, and [illegible] has been demanded by the defendants herein, [illegible] the Marshal of said District to summon a jury of [illegible] of said District, to [illegible] of May, 1911, to [illegible]

[illegible] Court to be proceeded [illegible] according to law and justice"

In the Supreme Court of the Territory of Arizona, sitting
in said County of Maricopa on the 2nd day of June, A.D. 1894, and on
days of the said term, A.J. Dagger, ~~Plaintiff~~,
~~Respondent~~, James M. McClintock and Sarah A. M. McClintock
and ~~Defendants~~ the following words, viz: -- <See page 287 this book>

Now, before consideration of Court, Hon. H. Nibley Esq., Judge presiding
Clerk entered that record herein from the record in the
District Court of the Third Judicial District of the Territory
of Arizona, in and for the County of Maricopa, in accordance
with the terms of the Mandate received and filed herein.

Clerk further ordered, adjudged and decreed that the
Appellees herein do have and recover of and from the
Appellants herein, A.J. Dagger and the Rocky Mountain
as principals and Wm. M. Bissell and Daniel Nolan, sureties
on Supersedeas Bond, ~~the aggregate of Judgment costs and herein, together with~~
~~interest, to wit at Sixty and 25/100 Dollars and their costs~~
in the Court below, and have execution therefor.

A. Redewill,
Clerk
By [illegible]
Deputy.

Now on this 2nd day of June A.D. 1894 the Appellees by
their Attorneys file herein Bill of Costs.

Lorenz Herbert,
Appellant

No. 770 vs.

Gertrude A. Herbert,
Appellee.

It is ordered that the application for order for Mandate to issue forthwith, filed herein by Appellee, be submitted.

Charles Friedman, administrator of the estate of N. Norman, deceased,
Appellant

No. 767. vs.

Celso Botello,
Appellee.

On motion of Mr Jerry Mieby, attorney for Appellee herein, it is ordered that Mr Roy S. Goodrich be entered Appearance.

This cause coming on for hearing was argued by Mr. Walter Bennett for Appellant and Mr Jerry Mieby and Mr. Roy S. Goodrich for Appellee and cause ordered submitted.

[illegible]

Court took a recess until 3 o'clock P.M. this afternoon.

3 o'clock P.M.

Court reconvened after recess.

Present Associate Justices, Richard E. Sloan, Fletcher M. Doran, and Leo. F. Davis, and the Clerk, and the following business was transacted.

No. 769. A. Redenius, Appellant vs. C. M. Stevens, Appellee.

In this cause it is ordered that the application for order for Mandate, filed by Appellee, be granted and that the Mandate issue forthwith.

No. 770. Josiah Hanbest, Appellant vs. Lucinda A. Hanbest, Appellee.

It is ordered that the Application for order for Mandate filed herein by Appellee, be granted and that the Mandate issue forthwith.

It is ordered that this Court take a recess until Monday February 10th at 10 o'clock A.M.

Associate Justice.

Copy of Bond.

Bond No. 153,133.

The United States Fidelity and Guaranty Company.

Capital Paid in Cash $1,500,000.00. Total Resources over $3,500,000.00.

Home Office:

Corner Calvert and Susman Streets, Baltimore, Md.

Amount $5,000.00.

Know All Men By These Presents: That we, James A. Cox of Phoenix, Arizona, as Principal, and The United States Fidelity and Guaranty Company, a Corporation duly incorporated under the Laws of the State of Maryland, as Surety, are held and firmly bound unto The United States of America, in the sum of Five Thousand Dollars ($5,000) lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this 2nd day of December, 1901

Whereas, the above bounden James A. Cox, was on the 2nd day of November, A.D. 1901, duly appointed by the Judges of the Supreme Court, to the office of Clerk of the Supreme Court of the Territory of Oregon.

Now, Therefore, the condition of the above obligation is such that if the said James A. Cox shall faithfully discharge the duties of the office of Clerk of the Supreme Court of the Territory of Oregon and shall seasonably record the several judgments, and [illegible] shall [illegible] with the [illegible] Assistant Secretary, the

day and year first above written.

H. C. Frater } Attorneys for
K. C. Street } Appellees and Cross-Appellants.
(K. C. Stamps 50¢)

(Corporation Seal)

James A. Coy, (Seal)
Clerk of the United States Circuit and District Courts of Arizona.

Edw. J. Cunningham
Chief Deputy Clerk.

H. V. D. Jones
Court Stenographer.
U.S.C.

Supreme Court, } January Term, A. D. 1902
Territory of Arizona. } Phoenix, Monday, February 10th 1902.
Court opened at o'clock A. M.

Present, Hon. Hosea Webster Kent, Chief Justice.
" " Geo. R. Davis, Associate Justice.
" " Richard E. Sloan, " "
James Allen Coy, Clerk
United States Marshal.
United States Attorney.
M. H. Cadenwood, Crier.
Isaac Woodward, Bailiff.

The following proceedings were had and entered of record.

On motion of Mr. H. C. McKinnon, it is ordered that Mr. Joseph L. Rawlins and Mr. Walter Armstrong be

be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr H. B. Wilkinson, it is ordered that Mr. Wm Ward Hughes, who holds a certificate from the Supreme Court of Illinois, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr Jas. F. McCormick, it is ordered that Mr. Frank W. Hilland, who holds a certificate from the Supreme Court of Michigan, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Miguel B. Marquez,
Appellant,
No. 156. vs
Territory of Arizona,
Respondent.

Cross, acting Attorney General, C. A. Ainsworth, for Respondent, moved to affirm the judgment and decree of the Court below; it is ordered that such motion be overruled.

Rafael Rivera,
Appellant
No. 157 vs
Territory of Arizona,
Respondent.) It is ordered that this

Feb 10-1902. Cause for perfection, on Brief.

Otis H. Moore,
Appellant,
No. 159 v. vs.
Territory of Arizona,
Respondent.

Comes now Attorney General C. F. Ainsworth, for Respondent, and moves the Court to affirm the judgment of the Court below, it is ordered that said motion be submitted.

Juan Ortega,
Appellant,
No. 160 v. vs.
Territory of Arizona,
Respondent.

By consent of Attorneys for Appellant and Respondent it is ordered that this cause be passed for the present.

W. H. Downing,
Appellant,
No. 161. v. vs.
United States of America,
Respondent.

By consent of Attorneys for Appellant and Respondent, it is ordered that Respondent's motion to dismiss the writ of error herein be submitted on printed briefs to be filed by the respective parties.

The transcription is ordered, submitted, and case set for hearing February 11th on oral argument.

I. L. Qualey,
Appellant,

No. 162. vs.

Territory of Arizona,
Respondent.

On motion of Attorney General C. F. Ainsworth, for Respondent, it is ordered that this cause be submitted on briefs.

It is further ordered that Respondent have 3 days to file brief.

Qualey vs. Noted, as the father of Qualey v. Noted, a minor,
Appellant,

No. 762. vs.

The Gila Valley, Globe & Northern Railway Company, a corporation,
Appellee.

Stipulated that the hearing of this cause be set for February 13th on oral argument.

E. W. Wood, H. G. Otis,
Wm. Herring, M. H. Nichols and
Wm. L. Barnes,
Attorneys for Appellant.

[illegible]
Attorneys for Appellee

Feby 10 1902. Appellee, it is ordered that this cause be passed for the present.

Arizona & New Mexico Railway Company, a corporation,

Appellant,

No. 772. vs.

Robert Nevitt,

Appellee.

It is ordered that this cause be set for hearing February 13th on oral argument.

William P. Hammond and Henry A. Ewing,

Appellants,

No. 774. vs.

The Santa Fe Pacific Railroad Company,

Appellee.

By consent of attorneys for Appellants and Appellee, it is ordered that the appellants in the above appeal and in appeals the pendency of the same cause, filed herein by appellee, be and the same are hereby dismissed.

[illegible]

[illegible]

No. 775 [illegible]

Appellee [illegible]

Stipulation filed herein, it is ordered that this cause be submitted on briefs.

In the matter of the Application of Hadley J. Edson, for Writ of Mandamus,

Petitioner,

No. 783. ✓ vs.

S. S. Stout, Sheriff of Maricopa County,

Respondent.

It is ordered that this cause be set for hearing Saturday 11th.

A. G. Oliver and Charlotte M. Oliver,

Appellants,

No. 768. ✓ vs.

John H. Dougherty,

Appellee.

By consent of attorneys for Appellants and Appellee, it is ordered that the motion and filed herein be, and the same is hereby

No. [illegible] vs.

[illegible]

Appellee. It is ordered that

1910-03. The motion to affirm the judgment, filed herein by Appellee be and the same is hereby submitted.

William Sidon,
Appellant,

No. 779. vs.

Ramon F. Bergnes, administrator
of the estate of Archie Bergnes, deceased,
Appellee.

It is ordered that the motion to affirm judgment of the lower court, filed herein by Appellee, be and the same is hereby submitted.

Pasqual Rigo,
Appellant,

No. 782 vs.

Alfonsa Hidalgo de Mercer,
Appellee.

It is ordered that the motion to affirm the judgment of the lower court, filed herein by Appellee, be and the same is hereby submitted.

[illegible]

this Court on account for per diem & mileage from the first day of October, 1901 to the thirtieth day of December, 1901 both inclusive, with the Seal thereof, in the presence of the United States District Attorney, and has, by his oath attached to the account proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed and the mileage paid and thereon paid charges appear to be just, and according to law, it is hereby ordered that said account, amounting to Twenty-three and 10/100 ($23.10) Dollars, be, and the same is hereby allowed.

It is hereby certified that upon each day for which per diem is charged in this account, the Court was opened for business and the Judges present and presiding.

February 10th 1902.

Webster Street.
Chief Justice Supreme Court
Territory of Arizona.

It is ordered that this Court take a recess until Tomorrow, February 11th at 9:30 o'clock A.M.

Webster Street Chief Justice.
Associate Justice.
" "

Territory of Arizona, } Journey Term, A.D. 1902.
Territory of Arizona. } Prescott, Tuesday February 11th 1902

Court opened at 9:30 o'clock A.M.

Present, His Honor, Webster Sloan Chief Justice.
" " Geo. R. Davis, Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Sloan " "
James Allen Esq., Clerk.
United States Attorney,
United States Marshal.
M. H. Calderwood, Crier.
Dean Woodward Bailiff.

The following business was transacted.

Miguel B. Marques,
Appellant,

No. 156. vs.

Territory of Arizona,
Respondent.

On motion to affirm the judgment of the lower court, made in open court by attorney for Respondent- herein, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be sustained and the judgment of the lower court be and the same is hereby affirmed

Ohio No. Mines,
Appellant,
vs.
No. 159. ✓
Territory of Arizona,
Respondent.

The question to affirm the judgment of the lower court, made in open court by attorney for respondent herein, having heretofore been submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be sustained and the judgment of the lower court be and the same is hereby affirmed.

Wong Gat, Lin Kong and Leong You,
partners doing business under the
firm name and style of
Lin Kong & Co.
Appellants,
vs.
No. 778. ✓
Hoo Pickard and Hoo Moon, partners
doing business under the firm name
and style Hoo Hong, Moon & Co.
Respondents.

The question to affirm the judgment of the lower court, made in open court by attorney for appellants herein having heretofore been submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be sustained and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered that the bond heretofore filed herein by appellants be and the same is hereby exonerated and discharged and that the money deposited in lieu thereof be returned from Wong Gat, one of the appellants herein, from the appeal bond

(Respondents as Sam Nee) and William Sidon and William Rolling, sureties on Appeal Bond the amount of the judgment rendered in the District Court, together with their costs in this court taxed at Ten ($10.00) Dollars, and their costs in the court below in this cause incurred.

William Sidon,
Appellant.

No. 779. vs

Carson F. Burgess, Administrator of the estate of Archie Burgess, deceased.
Appellee.

This cause coming to be heard upon the transcript of the record filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is considered that said Appellee the recovered and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellants herein, William Sidon, and O. W. Adams and C. H. Pierce, sureties on appeal bond, the sum of four Hundred and eighty ($480.00) Dollars and fifteen and 15/100 ($15.15) Dollars costs, amount of judgment entered in the District Court, and for costs in this cause herein expended, and that said Appellee have

(Original Opinion
Appellant
No.
Appellee
Sureties
Appeal from
Opinion of the Court, Motion to

[illegible] and [illegible] the [illegible] and
the Court having considered the same and being duly advised
in the premises: Did order and adjudge that said petition be granted
and the judgment of the lower court be reversed the cause is
hereby affirmed.

And further ordered, adjudged and decreed that
the appellee herein do pay and reimburse unto the
appellant herein, Pascual Nigro, and Alfred Downing and Mc
McNeil, sureties on appeal bond, herein, their costs in this
court, taxed at twelve and 25/100 ($12.25) Dollars, and his
costs in the district court in this cause incurred.

W. F. Downing,
Appellant,

No. 161. vs.

United States of America,
Respondent.

This cause coming on for hearing was argued by
Mr. C. C. Baker for appellant and ordered submitted

Francis H. Rainford, Receiver of
the Estate of Joseph D. Andrews, deceased,
Plaintiff in Error

No. 761 vs.

Lizzie Cook,
Defendant in Error.

This cause coming on to be heard on motion to dismiss

James Phelps,
Appellant,

vs.

Fleming of Virginia
Respondent

No. 160

It is ordered that this cause be submitted on briefs.

On motion of attorney for Respondent it is ordered that he have until February 14th to file brief.

Feby 11 '02

No. 771.

M. M. Nichols, [illegible],
[illegible], W. H. Nichols and
M. A. Annis,

Appellants,

vs.

Alfred Carrigan,

Appellee.

It is ordered that the motion to affirm judgment of the lower court, filed herein by Appellee be submitted

No. 777.

W. Nesbit,

Appellant,

vs

Maricopa County,

Appellee.

On motion of Mr. Oliver P. Morton for Appellee: It is ordered that this cause be set for hearing Wednesday February 12th at nine o'clock A. M.

No. 732.

On motion of Mr. T. J. Weedin it is ordered that Wm. H. Richardson, his bond as reporter of the District Court of the Third Judicial District of the Territory of Arizona in and for the County of Maricopa be approved and filed and that he record said bond and take the usual oath.

No. 732.

On motion of Mr. [illegible]
[illegible]

[illegible] for Petitioner.

On motion of Morrel J. Edwards, attorney for Petitioner herein, it is ordered that Mr. W. C. Richardson be and he is hereby appointed counsel for Respondent. Argument commenced by Messrs. M. J. Edwards and W. C. Richardson for Respondent, and cause ordered submitted on argument and Briefs.

It is further ordered that Respondent be granted until Wednesday morning, February 12, to file Brief.

It is ordered that this Court take a recess until tomorrow, Feby 13th at 9:30 o'clock A.M.

Robert Stutt. Chief Justice.
Associate Justice.
" "
" "

Supreme Court, } January Term, A.D. 1902.
Territory of Hawaii } Supreme Court, February 13-1902.

Court opened at 9:30 o'clock A.M.

Present Hon. Robert Stutt, Chief Justice.
" " Hon. A. Wilder, Associate Justice.
" " Hon. Robert M. Judd, " "
" " Hon. Richard E. Perry " "
Clerk, Deputy Clerk,
Official Reporter,
Sheriff,
Assistant Sheriff,
Interpreter,
Bailiff,

No further proceedings were had.

Feb. 12. 1902 ✓

On motion of Mr. E. E. Ellinwood, it is ordered that Mr. W. K. Cunningham, who holds a certificate from the Supreme Court of Alabama, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Mr. Sperry Baker, by leave of Court, it is ordered that said Sperry Baker, who holds a certificate from the Supreme Court of the State of Nevada, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

No. 780 ✓

De Mund Lumber Company,
Respellant,
vs.
Wm. H. Stilwell,
Appellee.

The motion to affirm judgment of the lower court filed herein by appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be and the same is hereby denied.

On motion of Mr. E. M. Lovell, for appellee, it is ordered that he be granted 10 days time within to file brief.

A. G. Oliver et al Appellants. M. Elmer,
Appellee
No. [illegible] ✓
vs.
H. Klein et al
Appellee
It is ordered that the motion to dismiss

judgment and for costs pursuant to stipulation, filed herein by Appellee and Respondent, be and the same are hereby, denied.

And it is further ordered that appellant herein be granted leave to file transcript of testimony and cause ordered submitted on briefs.

No. 773.

Jennet A. Conrad, administratrix of the estate of Fred E. Conrad, deceased,
Appellant,
vs
The Mutual Life Insurance Company of New York,
Appellee.

The Motion to affirm judgment of the lower court, filed herein by Appellee, having been heretofore submitted; and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be sustained and the judgment of the lower court be and the same is hereby affirmed

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant herein, Jennet A. Conrad, administratrix of the estate of Fred E. Conrad, deceased, and [illegible] [illegible] [illegible]

Feby 22-23.

No. 621. ✓

A. L. J. Ford, et al.,
Plaintiffs in Error,
vs.
James Wilson,
Defendant in Error.

It is ordered that the motion to vacate judgment for costs, filed herein by Plaintiffs in Error, be and the same is hereby denied.

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No. 774. ✓

William P. Heinrod, and
Henry P. Ewing,
Appellants,
vs
The Santa Fe Pacific
Railroad Company
Appellee.

The motion to dismiss the appeal filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the appeal be and the same is hereby dismissed and the judgment of the Lower Court affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Heinrod and Ewing the costs of this appeal to be taxed.

A. Everett,
Appellant,

No. 777. vs

Worcester County,
Appellee.

This cause coming on for hearing on argument by Mr. George Christy for Appellant and Mr. Wilmer C. Martin for Appellee, and ordered submitted on argument and briefs

It is ordered that this Court take a recess until to-morrow, February 13th at 9-30 o'clock A.M.

Webster Stout Chief Justice.
Associate Justice.
" "

Supreme Court, } January Term, A.D. 1902.
Sessions of Argument } Thursday, Wednesday February 13- 1902.

Court opened at 9.30 o'clock A.M.

Present, Hon. Webster Stout, Chief Justice.
" " Geo. C. Davis, Associate Justice.
" " Stephen M. Vance " "
" " Richard E. Stone " "
Jas. Wm. Pelbo Esq. Clerk.
Daniel Decker Marshal.
Chas. Wilson Stenographer.
Geo. W. Purnell Esq.

The following business was transacted.

No 13. Nathaniel McBirney, Appellant
vs.
No 656. Seth J. Johnson et al. C.C. Appellees.

The parties to this cause appeal and removed cause to the District Court having been duly perfected and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, the record showing that the appeal to the Supreme Court of the United States has not been perfected and the time having elapsed, it is ordered that said motion be granted and the appeal be and the cause is hereby dismissed and cause remanded to the lower court.

No 666. Mary A. Haff, Appellant,
vs.
J. C. Adams, Appellee.

The parties to this cause appeal and removed cause to the District Court having been duly perfected and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, the record showing that the appeal to the Supreme Court of the United States has not been perfected and the time having elapsed, it is ordered that said motion be granted and the appeal be and the cause is hereby dismissed and cause remanded to the lower court.

M. R. Morrell, [illegible]
Lida Hilliard, H. H. Nichols
and M. A. Carriger,

Appellants

No. 771. vs.

Alfred Carrigan,

Appellee.

It is ordered that the petitioners Appellants the judgment of the lower court, filed herein be appealed and bond for appeal submitted, be and the same is hereby denied.

It is further ordered that this cause be submitted on Briefs.

Pauley D. Motel, as the father of
Pauley L. Motel, a minor,

Appellant,

No. 762. vs.

The Yuba Valley Elect. & Northern
Railway Company, a corporation;

Appellee.

Petition of Mr E. J. Edwards, it is ordered that the Transcript of Petitioners be submitted on briefs for Appellee in this cause.

It is further ordered that this cause be submitted on briefs.

[illegible]

[illegible]

[illegible]

Feb. 13 '09 and pass over the Court to render the same, after full hearing counsel of final argument.

It is ordered that said petitions be and the same is hereby denied.

Henry E. Flowers,
Appellant,

No. 737. vs.

Salt River Valley Canal Company,
Appellee.

Comes now Mr. C. F. Ainsworth, attorney for Appellee herein, and moves the Court for an order granting appeal to the Supreme Court of the United States, whereupon the Court ordered that said motion be granted, and appeal allowed.

Eugene T. Kid Rivers (Petitioner)
Company, et al.,
Appellants,

No. 772 vs.

Robt. Hewitt.
Appellee.

Petitioner's motion for leave to proceed in forma pauperis (Mr. H. Miller for appellants) Petitioner's motion for appeal and writ of error (Mr. H. Miller for appellants) Petitioner's motion for appeal and writ of error (Mr. H. Miller for appellants)

[illegible]

Supreme Court, } January Term, A.D. 1902.
Territory of Arizona. } Phoenix, Monday, March 17- 1902.

Court opened at 10 o'clock A.M.

Present, His Honor Nebeker Bleed, Chief Justice.
" " Geo. P. Dennis, Associate Justice.
" " Fletcher M. Doan " "
" " Richard E. Sloan " "

Daniel H. Reed, Clerk.
Harold. Stabler Marshal by Deputy.
Harold Stabler Attorney
M. M. Cochenour, Crier.

The following proceedings were had:

In the matter of the Petition of the Arizona Eastern Railroad Company, a corporation, for a writ of mandamus against the Board of Supervisors of Pinal County, Arizona Territory, et al.

No. 778.

Upon motion of Wm. Sloan, Esq., of counsel for petitioner, it is ordered that the motion for

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Rule for re-hearing filed herein by appellants. Re-call & submitted.

William Sidow
Appellant,

No. 779. vs.

Ramon F. Bergnes, Administrator of the estate of Archie Bergnes, deceased,
Appellee.

It is ordered that the motion for re-hearing, filed herein by appellant, be and the same is hereby submitted.

John Stoffels,
Appellant,

No 781. vs.

Manuel L. Molina,
Appellee.

It is ordered that the motion for re-hearing filed herein by appellant be and the same is hereby submitted.

It is further ordered that the motion to dismiss motion for re-hearing, filed herein by appellee, be and the same is hereby submitted.

On motion of Mr. Frank Cox, it is ordered that Leonard M. Hutchinson, who has been duly licensed by the District Court of this Judicial District to practice in all the Courts of Marion County, be admitted to practice in this Court

upon signing the bill of exceptions and taking the
same back.

J. M. Allen and D. K. Murray
Treasurer and Ex-Officio Tax Collector
of the County of Maricopa,
Appellants

No. 750 vs.

J. W. Evans, Administrator of the
estate of Robert Garside, deceased,
Appellee.

On motion of Mr. Walter Bennett, Attorney for appellant it is ordered
that he be permitted to withdraw two pale Certificate numbered
356, marked Exhibit I, and substitute copy.

John Stoffel,
Appellant,

No. 781 vs.

Maxwell L. Wallace,
Appellee.

On motion of Mr. Stoffel counsel for appellant it is
ordered that he be granted thirty days in which
for appellant to prepare

Thomas Hedges et al.,
Plaintiffs in Error,

No. 782 vs.

The Maricopa and Phoenix Railroad Company et al.,
Defendants in Error.
Error to District Court Maricopa County
Plaintiffs in Error and Appellants.

It is

March 17, 1902. ordered that the Petition for Allowance of Appeal filed herein by Plaintiffs and Appellants be submitted.

It is ordered that this Court take a recess until to morrow, March 18, at 10 o'clock A. M.

Webster Street Chief Justice

" " Associate Justice

" "

" "

Supreme Court, } January Term, A.D. 1902.
Territory of Arizona. } Phoenix, Tuesday March 18, 1902.

Court opened at 10 o'clock A. M.

Present, Hon Honor, Webster Street, Chief Justice.
" " Geo. R. Davis Associate Justice
" " Fletcher M Doan " "
" " Richard E. Sloan " "
James Allen City, Clerk.
Marshal Slater Attorney.
Harrison Slater Marshal. by Deputy.
M. H. Cruikenwood, Crier.

The following proceedings were had:

In the matter of the petition of Winchester, Receiver, &c. Appellant, vs. Whitney, et al, Respondents, Appellees.

On motion of Mr. Herndon and Mr. Barnes it is ordered that the petition for rehearing be submitted.

used by the Court in her review of evidence and the Court-
learning considered the cause and being fully advised in
the premises: It is ordered that the judgment of the
District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the
Appellee herein do have and recover of and from O.H.
Christy, Administrator of the estate of James Tuohe,
deceased, Appellant herein, his costs herein expended
herein at twenty-eight ($28.00) Dollars, and that he have
his execution in this behalf herein expended.

Lafe Gibson,
Appellant,
No. 157. vs
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

De Merel Ferrier Company,
Appellant,
No. 980. vs.
Mose H. Sherwood,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court-
having considered the same and being fully advised
in the premises: It is ordered that the judgment

Feb. 18 1902

Judgment Solicitor) in full March 25th 1902 W. H. Linnell Attorney in fact

of the lower court be and the same is hereby affirmed. It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the De Mund Lumber Company, the Appellant herein, and H. O. De Mund and C. C. De Mund, sureties on supersedeas bond herein, the amount of the judgment rendered in the District Court, together with his costs in this court taxed at nineteen and 75/100 ($19.75) dollars, and his costs in the lower court in this cause incurred.

James Ortega,
Appellant,
vs.
Territory of Arizona,
Appellee.

No. 760.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby affirmed.

By Chester W. Thurston
Clerk.

Walter H. Linnell,
Appellant,
vs.
U. S. Wilkinson and Charles H. Tiers,
Co-partners as Wilkinson & Tiers,
Appellees.

No. 764.

Upon motion duly made and good cause therefore appearing,

ordered in the foreclosure of it is ordered that the judgment of the lower court be reversed, and the judgment in this Court entered in conformity to the judgment of the court below to the extent of the personal judgment, and which in addition will establish the attachment liens on the real estate described in the complaint as of the date of its levy and record, to-wit, April 18th, 1900; and direct that said judgment shall be paid in due course of the administration of the estate of Charles H. Pierce, deceased, and that said real estate shall be subject to said attachment lien until said sum shall be satisfied out of the general funds of the estate; and if said general funds be insufficient, then out of the proceeds of a sale of said real estate in the order of the priority of said liens."

It is further ordered, adjudged and decreed that Charles H. Hartman, appellant herein, do have and recover of and from J. E. Williams and J. Peeka, as administrators of the estate of Charles H. Pierce, deceased, appellees herein, his costs incurred herein, to be taxed at $, and that he have execution therefor.

John H. Harrington,
Appellant,

No. 776. vs.

The Board of Supervisors of Spokane County,
Appellee.

Per curiam. The foregoing [illegible] and it is ordered that the judgment [illegible] be and the same is hereby affirmed.

Feb. 18 1902. It is ordered, adjudged and decreed that the Appellee herein do have and recover of and from John H. Dorrington, Appellant herein, and John Brimhall and F. L. Ewing, sureties on appeal bond herein, its costs in this cause taxed at twelve ($12.00) Dollars, and its costs in the court below in this cause incurred.

Thomas P. Riggs, et al.
Plaintiffs and Appellees,
vs.
No. 744 ✓
The Utah Irrigating Ditch Company, et al.,
Defendants and Appellants.

Elwood Hockey, United States Indian Agent,
Intervenor and Appellant.

It is ordered that the petition for allowance of appeal, filed herein by Plaintiffs and Appellees &c. and the same is hereby granted and appeal to the Supreme Court of the United States allowed.

L. C. Shattuck,
Appellant,
vs.
No. 775 ✓
Mathias Costello,
Appellee.

Thereupon hearing had before, and considered by the Court the Court's opinion heretofore rendered herein, and the Court finding that the cause should be dismissed, it is ordered that the appeal herein be and the same is hereby dismissed.

and decree reversed, and cause the record to be remitted to District Court for new trial.

It is further ordered, adjudged and decreed, that the Appellant herein, L. C. Shattuck, do have and recover of and from the Appellee, herein Martin Costello, his costs in this behalf expended.

W. F. Downing,
Appellant,
vs.
United States of America,
Respondent.

No. 161

Per curiam Heretofore-submitted on the Record taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is ordered that this cause be and the same is hereby dismissed, March 19th, at 10 o'clock A.M.

Oliver Stock
Chief Justice.
Associate Justice.

Feb. 17-22. Session Court. } January Term, A.D. 1902.
Tuesday Afternoon } Topeka, Wednesday, March 19, 1902.
Court opened at 10 o'clock A.M.

Present, Hon. Hosea Webster Sloan, Chief Justice.
" " Leo. F. Dunn, Associate Justice.
" " Fletcher M. Doster, " "
" " Richard E. Sloan, " "
Samuel Allen Cox, Clerk.
United States Marshal by Deputy.
United States Attorney.
M. H. Culdenwood, Crier.

The following proceedings were transacted.

Ansley D. Mates, as the father of
Ansley L. Mates a minor,
Appellant,

vs.

No. 762 v. The Gila Valley Globe & Northern Railway Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the Court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the appellant herein, Ansley D. Mates, as father of

H. Hewett,
Appellant,
No. 777. vs.
Maricopa County,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby reversed, and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein, do have and recover of and from Maricopa County, the Appellee herein, his costs in this behalf expended.

The Home Investment Co.,
Plaintiff and Appellee,
No. 779 vs.
Wallace, Clarence George Shattuck
and [illegible]
[illegible]
Defendants and Appellees.

[illegible]

Feb. 14 1903. by the Court thereon considered and the Court having considered the proof and being fully advised in the premises. It is ordered that said petitioner be and the same is hereby granted.

It is further ordered, adjudged and decreed that the plaintiff herein do have and recover of and from Axel H. Hallenberg and James Shirley, defendants herein, and the American Surety Company of New York, surety on defendants' Supersedeas Bond, their costs in this court taxed at Dollars, and their costs in the court below in this cause incurred.

Martin J. Elvin,
Petitioner,

No. 783. vs.

S. S. Steel, Sheriff,
Respondent.

It is ordered that the Petition for Writ of Mandamus, filed herein by Petitioner be and the same is hereby denied, and the alternative writ of Mandamus issued herein is hereby quashed.

Charles Gallagher, Administrator
of the estate of M. Wiseman, deceased,
Petitioner,

vs.

Peter Gibbs,
Respondent.

hearing rejected. Thereupon said cause was tried de novo, the
jury returned its verdict finding the issues for the
appellee. It is ordered, that the appellee recover
against the appellant the sum of $ [illegible] and
costs expended for said suit.

It is further ordered, adjudged and decreed that
the appellant herein do have and recover of and from
the appellee herein, his costs and charges
and have execution therefor and that appellee
and his sureties herein do stand discharged.

Frank E. Beresford, Administrator
of the estate of Sarah A. Hardwood, deceased
(Plaintiff in Error,

No. 961. vs.

Lewis Lewis,
(Defendant in Error,

Error from Jefferson County.

This cause coming on to be heard before Justices Boggs and Bell
Court taken upon consideration and the Court having examined
the record and being fully advised in the premises finds that no
error intervened in the rendition of the judgment and decree
complained of, and that the same is right, and that the same
should be affirmed, and judgment rendered for the
defendant for the costs herein expended.

It is therefore ordered, adjudged and decreed that
the judgment in this cause rendered by the Circuit Court of
Jefferson County, be and the same is hereby affirmed and 45/100
($68.45) Dollars costs herein expended be and the same is
hereby awarded.

Ref. by Pl. [illegible]

No. 738.

vs.

The Empire Canal Company,
et al.

Opinion.

This cause coming on to be heard on the pleadings and proofs and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of this Court be and the same is hereby modified in accordance with opinion rendered in the case of Howe & Stover against the Niel Pierce Valley Canal Company, June 1st, 1901.

It is further ordered, adjudged and decreed that the Defendant Pierce do have and recover of and from the Plaintiff Canal Company as costherein, and that execution issue therefor.

See corrected judgment Book 5 Page 8.

of the Lower Court be and the same is hereby affirmed with
costs and that the Record be remitted etc. Reasons delivered
E. H. Bronson, against the Appellant Dissenting Henry Strong C.J.
June 18th 1901,

And further ordered, adjudged and decreed
that the Appellant Pay to the said Respondent the costs of the
said Appeal to be taxed etc.

Sir corrected judgment Book 5 Page 8

Tom Thorkelson,

Appellant,

vs.

No. 740

The Canada Central Railway Company,

Respondent.

This cause coming on to be heard before the Chief Justice and
Mr. Justice Girouard Mr. Justice Davies Mr. Justice Idington and
Mr. Justice Maclennan on the part of the Appellant and on the part
of the Respondent

Said [illegible]

Sir corrected judgment Book 5 Page 9

Feb. 9th 1892.

No. 162. ✓

L. Q. A-leg,
Appellant,
vs.
Secretary of Agriculture
(
) Respondent.

Upon oral hearing upon brief submitted and by the Court taken under consideration and the Court having acquired the views and duly fully advised on the premises It is ordered that the judgment of the court below be and the same is hereby affirmed.

No. 799. ✓

Agricultural Mechanical Printing
Company, a corporation,
Appellant,
vs.
Frank Hewitt,
Appellee.

Upon oral hearing upon the briefs submitted and by the Court taken under consideration and the Court having acquired the views and duly fully advised on the premises It is ordered that the judgment of the court below be and the same is hereby affirmed.

of Pine Pleasant ($300.00) Dollars with interest at the rate of seven (7) percent per annum from the 1st day of April A.D. 1901, until paid, together with his costs in this court laid out & expended ($10.00) Dollars and his further costs in the court below in this cause incurred.

William Sidon,
Appellant

No. 779 ✓ vs.

Ramon F. Borgnes, administrator of the estate of Archie Borgnes, deceased,
Appellee.

It is ordered that the motion for rehearing filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

[illegible]

No. 778 ✓ vs.

[illegible]

[illegible]

No. 19 vs. J. B. Reed,
Appellant,
vs.
David Hershberg and
Moses H. Shreiner
Appellees.

It is ordered that the Statement of facts
applied for by J. B. Reed Appellant herein, be
allowed and signed.

No. 696 ✓ The Lida Coal Mining and
Shipping Co.
Appellant,
vs.
Pennsylvania Coal Company &
Glasgow Construction Company,
Appellees.

It is ordered that the Statement of facts
applied for by Appellant herein, be allowed and
signed.

[illegible] affirmed.

It is further ordered adjudged and decreed that the Appellee herein do have and recover of and from the Appellant, Greenbaum, Appellant herein and Leo Goldman, sureties on appeal herein, their costs in this court, taxed at twenty-four and 85/100 ($24.85) Dollars, and their costs in the court below in this cause incurred.

No. 771. ✓

L. M. Willard, ~~R. F. Burnbaum,~~
~~Estin Wetland~~, H. H. Nichols,
and H. C. Penniger,
Appellants,

vs.

Alfred Parrigan,
Appellee.

For the transcript in this cause see page 630

Upon the hearing of this cause, before the Court, upon the Transcript of the Record and the arguments of counsel, and the Court having fully considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court in and for the County of Dallas, in this cause, be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant, Greenbaum, Appellant herein and Leo Goldman, sureties on appeal herein, their costs in this court, taxed at twenty-four and 85/100 ($24.85) Dollars, and their costs in the court below in this cause incurred.

See page 630.

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March 19 '02

A. K. Oliver & Wife (Charlotte McOliver),
Appellants,

768. v. vs.

John H. Dougherty,
Appellee.

Their cause having been heretofore submitted and by the Court taken under consideration and thereupon having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court in and for the county of Dallas aforesaid be affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellants herein, A. K. Oliver and Charlotte M. Oliver, his wife, and their sureties on their appeal bond herein, W. H. Ballard, and that he have his execution therefor.

The Pacific R. R. Co., (Corporation),
Central Pacific R'y Co.,
Charles F. Crocker, and
The Mercantile Wool and Mill Co.,
Plaintiffs in Error,

No. 733. vs.

R. H. McCann, Assignee; David Ray,
Edward Dare; John McCoy,
Edward Meyer, and B. A. Steble,
Defendants in Error.

The motion to relax costs filed herein for Plaintiffs in Error is therefore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises, It is ordered that said motion be granted, and the judgment rendered herein March 20th 1901, modified as to costs in the District Court, as follows:

"It is therefore ordered, adjudged and decreed, that the Defendants in Error herein, do recover and receive from John R. Jarvis, Chas. F. Crocker,

Plaintiffs in Error herein, and Mercantile Wool and Mill Co., one (1) dollar each, their costs in the District Court in this cause incurred, and that Plaintiffs in Error herein recover and have execution for said sum of Two Hundred and Forty (240) Dollars, which said sum of [illegible] for costs in this cause.

Feb. 19 '02

The Cable Electric Railway Company,
Plaintiff.

No. 759.

vs.

William O. Greene, George Mitchell,
and the Phoenix National Bank
of Phoenix, Arizona Territory,
Defendants.

Appeal of Axel H. Hallenborg and
James Shirley from the order of the
District Court, denying their petition
for leave to intervene and become
parties to the suit.

In this cause Mr. Wm. M. Hawkins, attorney for Appellants, Axel H. Hallenborg and James Shirley, has upon court gave notice of appeal from the judgment of this court to the Supreme Court of the United States, and prayed the Court that it fix the amount of the bond on appeal and for a special verdict.

No. 786

[illegible]
Plaintiff,

vs.

[illegible]
Defendants.

[illegible]

George Goodwin, A.G. Norris
and J.C.R. Bonham,
Appellants

No. 709 vs.

The Territory of Arizona,
Appellee.

On motion of Mr R.S. Goodrich, it is ordered that
the name be entered of counsel for Appellee herein.

On motion of Mr R.S. Goodrich, it is ordered
that, upon receipt of Mandate from the Supreme
Court of the United States in this cause, the Mandate
issue from this court, directed to the District Court of the
Fourth Judicial District of the Territory of Arizona, in
and for Yavapai County, forthwith.

In the matter of Seed retained
by Thomas Tindell, former Clerk
of the Supreme Court.

It appearing to the Court that Thomas Tindell, late
the former Clerk of the Supreme Court, has possession
and control of certain papers, records and
documents belonging to the Supreme Court, and
which the said Thomas Tindell refuses to deliver
to the present Clerk of said Court, and that the present
Clerk has demanded the same of the said Thomas
Tindell, and that the same has been refused;
Therefore

Feb 17 '03 It is ordered by the Court that the said Thomas Grindell pay and have over to James Allen Esq, the present Clerk of this Court, said judgment of One Hundred Fifty-eight and 10/100 Dollars within thirty (30) days from the making of this order; and it is hereby ordered that the present Clerk immediately deliver or mail to the said Thomas Grindell a certified copy of this order.

Wheeler Peck, J.J.
Richard E. Shaw J.J.
Fletcher M. Doan J.J.
Geo. T. Davis J.J.

It is ordered that this Court take a recess until tomorrow, March 18th, at 10 o'clock A.M.

Wheeler Peck Chief Justice
Presiding Justice

Before Court { Present, ... }

Hon. Peter Hotsfield, Chief Justice,
Hon. Nicholas R. Downing, Associate Justice.
Hon. Fletcher M. Doan " "
Hon. Richard E. Brown, " "
Francis Allen Esq., Clerk,
United States Marshal by Deputy.
United States Attorney,
Mahlon Underwood, Crier.

The following Business was transacted.

John Steffels,
Appellant,
vs.
Appeal.
Reginald K. Mathews,
Appellee.

And it is ordered that the petition for rehearing filed herein by appellant, and heretofore presented, be and the same is hereby granted, and the order of submission heretofore entered herein be and the same is hereby set aside.

And it is ordered that the motion of appellee herein to dismiss the appeal herein be and the same is hereby overruled.

Clerk's office, U. S. Circuit Court of Ma.

Baker vs Maricopa County
No. 786

Appellant

vs.

J. M. Burnett,

Appellee.

Comes now Mr A. C. Baker, attorney for appellee herein and moves the Court that the hearing of this cause be set for May 28-1902, on oral argument, the Court postponed action until the May session.

The Cobre Grande Copper Company,

Plaintiff,

No. 759.

vs

William C Greene, George Mitchell, and The Phoenix National Bank, of Phoenix, Arizona Territory,

Defendants,

Appeal of Axel H Hallenborg, and James Shirley, from the order of the District Court, denying their petition for leave to intervene and become parties to the suit.

On this cause it is ordered that the clerk of the Supreme Court of the United States, from the record, certified copy of this suit, be amended, nunc pro tunc as of date, and that the petition of Axel H Hallenborg, and James Shirley, for leave to intervene and become parties to the suit.

[illegible] Circuit Court [illegible]

[illegible] Webster Street Court Justice.

Associate Justices.

No. 771.

G. M. Weiland, M. C. Carrier and H. H. Nichols, Appellants,

vs.

Alfred Carrigan, Appellee.

(Judgment rendered March 19th 1902, see page 627.)

Now, on this 19th day of March, A.D. 1902, the same being a regular term day of the regular January, 1902, term of said court, the appellants being present by their attorney, J. W. Weis, Esq., and the appellee by his attorney, H. C. Cassell, and said cause having been heretofore submitted to the Court for its decision, and the Court being advised in the premises finds that the record herein, as filed, is correct, and that the Circuit Court of Jackson county, Missouri, on March 2, 1901, in a certain action then pending wherein the said Carrigan was plaintiff, and the said Weiland, Carrier, Nichols, Bates & Co., a corporation, and the said Nichols were defendants, rendered a judgment in favor of the plaintiff and against the defendants, and the defendants duly filed their motion in arrest of judgment and their motion for a new trial, which motions were by the Court overruled, to which action of the Court the defendants at the time excepted, and in due time filed their bill of exceptions herein, which was duly signed, sealed and ordered filed by the Court, and the defendants duly perfected their appeal herein to this Court, and the Court having duly considered the same, doth find that there is no error in the record and proceedings of the said Circuit Court, and doth order that the judgment of the said Circuit Court be in all things affirmed with interest thereon at the

rate of seven per cent per annum from June 16th, 1903, until paid;

That he have and recover of and from the defendant, Ed. Ward, the sum of two thousand dollars with interest thereon at the rate of seven per cent per annum from June 16th, 1903, until paid;

That he have and recover of and from the defendant, P.L. VanDeren, the sum of two thousand dollars with interest thereon at the rate of seven per cent per annum from June 16th, 1903, until paid;

That he have and recover of and from the defendant, Etta Willard, the sum of two thousand dollars with interest thereon at the rate of seven per cent per annum from June 16th, 1903, until paid;

That he have and recover of and from the defendant, H. H. Nicols, the sum of two thousand dollars with interest thereon at the rate of seven per cent per annum from June 16th, 1903, until paid;

That he have and recover of and from the defendant, M.L. Currie, the sum of two thousand dollars with interest thereon at the rate of seven per cent per annum from June 16th, 1903, until paid;

[illegible]

filed, &c. and

[illegible] and the said [illegible] and [illegible] and [illegible] and

Richard M. [illegible] against said defendant and said Richard M. Mitchell, Executor of the last will and testament of Thomas Mitchell, deceased, entered of record in said District Court of Cass County, Texas, on November 16, 1901;

(4) That the said plaintiffs, Alfred Cameron, do have and recover of and from the said R. M. Mitchell, Wm. Carrier, M. M. Pitchford, Henry J. Mitts, Ella Mitchell, Charles F. Parker, J. C. Duff, Mrs. Melissa A. Carrier, and Lemuel Mitchell, the costs of the said district court in said action taxed at $15.50, and the costs of this circuit court, taxed at $39.60, and that execution issue.